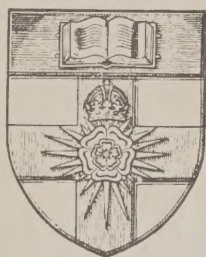


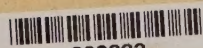
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B I L L S,

PUBLIC:

TEN VOLUMES.

— (3.) —

ELECTRIC LIGHTING PROVISIONAL ORDERS—(*Continued*).

Session

25 November 1890 — 5 August 1891.

VOL III.



B I L L S :

1890-91.

TEN VOLUMES:—CONTENTS OF THE

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B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 to 1890, relating to Edinburgh and Paisley. A.D. 1891.

WHEREAS, under the authority of the Electric Lighting Acts, 1882 and 1888, and the Electric Lighting (Scotland) Act, 1890, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed : 45 & 46 Vict.
c. 56.
51 & 52 Vict.
c. 12.
53 & 54 Vict.
c. 13.

5 And whereas a Provisional Order made by the Board of Trade under the authority of the said Acts is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Acts,
10 as set out in the schedule to this Act annexed, be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,
15 and by the authority of the same, as follows :

1. This Act may be cited as the Electric Lighting Orders Confirmation (No. 6) Act, 1891. Short title.

2. The several Orders, as set out in the schedule to this Act annexed, shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and effect. Confirmation of Orders.

3. The Lord Provost, Magistrates, and Council of the City and Royal Burgh of Edinburgh, being the Undertakers for the purposes of the Order set out in the schedule relating to Edinburgh, may, notwithstanding anything contained in the said Electric Lighting Acts, but subject to the consent of the Secretary for Power to borrow under provisions of Edinburgh Police Acts.

[Bill 309.]

A

A.D. 1891. Scotland, borrow money for and in connexion with the purposes of the said Order on the security of the burgh assessments, and under the provisions of the Edinburgh Municipal and Police Acts, 1879 to 1890, and any Act or Acts amending the same (all which Acts are herein-after referred to as the Municipal and Police Acts), with respect to the borrowing of money, which provisions shall be and are hereby made applicable to the money so to be borrowed and to the mortgages, assignations, interest warrants and discharges to be granted in security thereof, and to the sinking fund for the repayment of money so borrowed, in the same way and manner as if the money so to be borrowed for the said purposes were borrowed, and the mortgages, assignations, interest warrants and discharges so to be granted were granted under the authority of the said Municipal and Police Acts.

Accounts to be kept, &c. under Edinburgh Police Acts. 4. The said Lord Provost, Magistrates and Council may, notwithstanding any provision to the contrary contained in the said Electric Lighting Acts, cause the accounts of their receipts, payments and liabilities under the said Order, to be kept, audited, authenticated and published in like manner as is provided with respect to their accounts under the said Municipal and Police Acts and also in conformity with any public general Act relating to burgh accounts, and the provisions of the said Municipal and Police Acts with respect to accounts shall be held to be incorporated with and be applicable in all respects to the objects and purposes of the said Order.

SCHEDULE.

LIST OF ORDERS.

1. EDINBURGH.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 to 1890, to the Lord Provost, Magistrates, and Town Council of the City and Royal Burgh of Edinburgh. 30
 2. PAISLEY.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 to 1890, to the Magistrates and Town Council of the Burgh of Paisley.
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EDINBURGH ELECTRIC LIGHTING. A.D. 1891.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 to 1890, to the Lord Provost, Magistrates and Town Council of the City and Royal Burgh of Edinburgh, in respect of the City and Royal Burgh of Edinburgh.

Preliminary.

1. This Order may be cited as the Edinburgh Corporation Electric Lighting Order, 1891. Short title.

10 2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 to 1890, and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act," and the several words, terms and expressions to which by the principal Act
15 meanings are assigned, shall have in this Order the same respective meanings, provided that in this Order :—

The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order, electrical energy shall be deemed to be an agency within the meaning of electricity, as defined in the Electric Lighting Act, 1882;

The expression "power" shall mean electrical power, or the rate per unit of time at which energy is supplied;

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Undertakers, for the purposes of general supply;

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer, either from any main or directly from the premises of the Undertakers;

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply;

The expression "general supply" shall mean the general supply of energy to ordinary consumers, but shall not include the supply of energy to any one or more particular consumers under special agreement;

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order;

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers;

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises, and belonging to him, at which the supply of energy is delivered from the service lines;

A.D. 1891.

Edinburgh.

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General, shall have the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected, where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner 5 affected;

The expression "railway" shall include any tramroad, that is to say, any tramway other than a tramway as herein-after defined;

The expression "tramway" shall mean any tramway laid along any street; 10

The expression "sheriff" shall mean the sheriff of the Lothians and Peebles, and shall include any one of his substitutes within the county of Midlothian;

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof; 15

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule" shall mean the First, Second, Third and Fourth Schedules to this Order annexed respectively;

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this 20 Order and signed by an assistant secretary of the Board of Trade;

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 88 feet, and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to 11 feet, with such detail plan and sections as may be 25 necessary.

Commence-
ment of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Description of the Undertakers.

Description of
Undertakers.

4. Subject to the provisions of this Order, the Undertakers, for the purposes of this Order, shall be the Lord Provost, Magistrates, and Town Council of the City and Royal Burgh of Edinburgh. 30

Area of Supply.

Area of supply.

5. Subject to the provisions of this Order, the area of supply shall be 35 the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red.

Nature and Mode of Supply.

Systems and
mode of supply.

6. Subject to the provisions of this Order, and the principal Act, the 40 Undertakers may supply energy within the area of supply for all public and private purposes, as defined by the said Act; provided as follows:—

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade, and subject to

such regulations and conditions for securing the safety of the public and for ensuring a proper and sufficient supply of energy as the Board of Trade may impose; and

A.D. 1891.
Edinburgh.

5 (2.) The Undertakers shall not, without the express consent of the Board of Trade, place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply; and

10 (3.) The Undertakers shall not permit any part of any circuit to be connected with earth, except so far as may be necessary for carrying out the provisions of any such regulations and conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions (if any) of such approval.

15 *Lands.*

7. Subject to the provisions of this Order and the principal Act, the Undertakers may acquire by purchase or on lease, and use any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Secretary of Scotland, and may dispose of any lands acquired by them under the provisions of this section, which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres, except with the consent of the Board of Trade.

Purchase and
use of lands.

30 Provided also that the Undertakers shall not, except with the consent of the Secretary for Scotland, take for the purposes of this Order ten or more houses, which, after the passing of the Act confirming this Order have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

35 For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

Works.

40 8. Subject to the provisions of this Order and the principal Act, the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule, so far as such streets, railways and tramways may for the time being be included in the area of supply, and be,

Powers for
execution of
works.

A.D. 1891. or be upon, land dedicated to public use: Provided, however, as respects any
Edinburgh. such railway, that the powers hereby granted shall extend only to such parts
 thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to break
 up to interfere with any street or part of a street not repairable by the local 5
 authority or any railway or tramway except such streets, railways or tram-
 ways (if any) or such part thereof as are specified in the said schedule,
 without the consent of the authority, company or person by whom such
 street, railway or tramway is repairable, or of the Board of Trade, under
 section 13 of the Electric Lighting Act, 1882, and where the Board of 10
 Trade give such consent, the provisions of this Order shall apply to the street,
 railway or tramway to which the consent relates as if it had been specified in
 the said schedule.

Street boxes.

9. Subject to the provisions of this Order and the principal Act, and
 any regulations made under this Order, the Undertakers may construct in 15
 any street such boxes as may be necessary for purposes in connexion with
 the supply of energy, including apparatus for the proper ventilation of such
 boxes.

Every such box shall be for the exclusive use of the Undertakers and
 under their sole control except so far as the Board of Trade may otherwise 20
 order, and shall be used by the Undertakers only for the purpose of
 leading off service lines and other distributing conductors, or for examining,
 testing, regulating, measuring, directing or controlling the supply of energy,
 or for examining or testing the condition of the mains or other portions
 of the works, or for other like purposes connected with the undertaking, and 25
 the Undertakers may place therein meters, switches and any other suitable
 and proper apparatus for any of the above purposes.

Every such box, including the upper surface or covering thereof, shall be
 constructed of such materials, and shall be constructed and maintained by
 the Undertakers, in such manner as not to be a source of danger whether 30
 by reason of inequality of surface or otherwise.

Notice of
 works with
 plan to be
 served on the
 Postmaster-
 General.

10. Where the exercise of any of the powers of the Undertakers in relation
 to the execution of any works (including the construction of boxes) will
 involve the placing of any works in, under, along or across any street or
 public bridge, the following provisions shall have effect:—

- (a) One month before commencing the execution of such works (not being
 the repairs, renewals, or amendments of existing works of which the
 character and position are not altered) the Undertakers shall serve a
 notice upon the Postmaster-General describing the proposed works,
 together with a plan of the works, showing the mode and position in 40
 which such works are intended to be executed, and the manner in which
 it is intended that such street or bridge is to be interfered with, and
 shall, upon being required to do so by the Postmaster-General, give
 him any such further information in relation thereto as he may desire;
 (b) The Postmaster-General may in his discretion approve of any such 45
 works or plan subject to such amendments or conditions as may seem

fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers. A.D. 1891.

Edinburgh.

- 5 (c) Where the Postmaster-General approves any such works or plan, subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapproves of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter and allow or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same ;
- 10 (d) If the Postmaster-General fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon him, he shall be deemed to have approved of such works and plan ;
- 15 (e) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved, or is to be deemed to have been approved, by the Postmaster-General, or by the Board of Trade, as above mentioned ; but where any such works, description, and
- 20 plan are so approved or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of the principal Act ;
- 25 (f) If the Undertakers make default in complying with any of the requirements or restrictions of this section, they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty
- 30 not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds : Provided that the Undertakers shall not be subject to any such penalties as aforesaid, if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so
- 35 far as was reasonable under the circumstances.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of

40 energy.

11. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street, or part of a street, not repairable by the local
- 45 authority, or over or under any railway, tramway, or canal, the following
- As to interference with streets, railways, canals and tramways.

A.D. 1891. provisions shall have effect, unless otherwise agreed between the parties
 interested:—
 Edinburgh.

- (a) One month before commencing the execution of any such works (not being the repairs, renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall, in 5 addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the 10 "owners," describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire; 15
- (b) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given to the provisions thereof; 15
- (c) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon 20 the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration, and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly; 25
- (d) In settling any question under this section an arbiter shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible; 30
- (e) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be executed the 35 works specified in such notice and plan as aforesaid, and may repair, renew and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof 40 respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties;
- (f) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works; 45
- (g) Where the repair, renewal, or amendment of any existing works, of which the character or position is not altered, will involve any interference

A.D. 1891.
—
Edinburgh.

with any railway level crossing or with any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to the owners not less than twenty-four hours' notice before commencing to effect such repair, renewal or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer, the said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act;

(h) If the Undertakers make default in complying with any of the requirements or restrictions of this section, they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

12. Any body or person for the time being liable to repair any street or part of a street, or entitled to work any railway, or tramway which the Undertakers may be empowered to break up for the purposes of this Order, may, if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating or making good any streets, bridges, sewers, drains, tunnels or other works vested in or under the control or management of such body or person, and may amend or revoke any such notice by another notice similarly served. Where such body or person as aforesaid (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then, so long as such notice remains in force, the following provisions shall have effect, unless otherwise agreed between the parties interested:—

(a) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided, or in cases of emergency;

(b) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than four days and not less than two days before the

[309.]

B

Any body or person liable to repair streets may give notice of desire to break up streets, &c., on behalf of Undertakers.

A.D. 1891.
Edinburgh.

exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice, stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged ; 5

(c) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers, subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge, so far as the same may be applicable ; 10

(d) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified, in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice ; 15

(e) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid, as may be necessary for the actual remedying of any defect from which the emergency arises, without serving any requisition on the givers of the notice, but in such case the Undertakers shall, within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof, in writing, to the givers of the notice ; 20 25

(f) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid, otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds : Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances ; 30

(g) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section, shall be repaid to them by the Undertakers, and may be recovered summarily : 35

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up, filling in, reinstating or making good any such street or part of a street, or any such bridges, sewers, drains, tunnels, or other works, or railway, or tramway as in this section mentioned. 40

13. The Undertakers may alter the position of any pipes or wires being under any street or place authorised to be broken up by them which may 45

As to alteration of pipes, wires, &c., under streets.

A.D. 1891.
—
Edinburgh.

interfere with the exercise of their powers under the principal Act or this Order; and any body or person may in like manner alter the position of any electric lines or works of the Undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested:—

- 10 (a) One month before commencing any such alterations, the Undertakers or such body or person (as the case may be) in this section referred to as “the operators,” shall serve a notice upon the body or persons for the time being entitled to such pipes, wires, electric lines or works (as the case may be), in this section referred to as “the owners,” describing the proposed alterations, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon
15 being required to do so by any such owners, give them any such further information in relation thereto as they may desire;
- 20 (b) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works, or to compensation in respect thereof, or any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration, and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly;
- 25 (c) In settling any question under this section, an arbiter shall have regard to any duties or obligations which the owners may be under in respect of such pipes, wires, electric lines or works, and may, if he thinks fit, require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes, wires, electric lines or works are used, so far as may be possible;
- 30 (d) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or
35 securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively
40 as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties;
- 45 (e) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute
- [309.]

A.D. 1891.
Edinburgh.

such alterations, except where they have notified to the owners that they require them to execute such alterations, and the owners have refused or neglected to comply with such notification as herein-after provided ;

- (f) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made ; 5
- (g) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable ; 10
- (h) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations, in like manner as they might have done if no such statement as aforesaid had been served upon them ; 15
- (i) All expenses properly incurred by the owners in complying with any notification of the operators under the last preceding sub-sections shall be repaid to them by such operators, and may be recovered summarily ; 20
- (j) The owners may, if they think fit, by any statement served by them under this section upon any operators, not being a local authority, require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given ; 30
- (k) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds : Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances. 40

Laying of
electric lines,

- 14. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other 45

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&c., near gas
or water pipes
or sewers.

works near to which any gas, electric supply, or water main, sewers, pipe, private service pipe, syphon, or other work has been lawfully placed, or where any authority or company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes), or
5 other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers, or such authority or company (as the case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to such authority or company, or to the owner of any such
10 pipe or other work, or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than fourteen days' notice before commencing to dig or sink such trench as aforesaid, and such owners shall be entitled to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or their
15 officer for protecting from injury every such main, sewer, pipe, private service pipe, syphon, or work, and for securing access thereto, and they shall also, if required to do so by the owner thereof, repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the
20 position of any pipe or work, they shall temporarily support the same in position during the execution of their works, and before completion provide, to the reasonable satisfaction of the owners, a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line
25 crossing, or liable to touch any gas, electric supply, or water mains, sewers, pipes, lines or services, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade; and the Undertakers shall not, except with the consent of the owners, and of the Board of Trade, lay their electric lines so as to come into contact with any
30 such mains, sewers, pipes, lines or services, or, except with the like consent, employ any such mains, sewers, pipes, lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

35 If the operators make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof; and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily
40 penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances, or that the default in question was due
45 to the fact that the operators were ignorant of the position of the main,

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sewer, pipe, syphon or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "authority" or "company" shall mean any body or person lawfully supplying gas, electrical energy, water or water power, and also any body or person owning or invested with the control of any sewer. 5

For protection
of railway and
canal com-
panies.

15. In the exercise of any of the powers of this Order relating to the execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works or conveniences belonging to any railway or canal company, nor obstruct or interfere with the working of the traffic passing along any railway or canal. 10

For protection
of telegraphic
and telephonic
wires.

16.—(1.) The Undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions, and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down, or placed their electric lines or other works, or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby, such question shall be determined by arbitration; and the arbitrator (unless he is of opinion that such wire or line, not having been so in existence at such time as aforesaid, has been placed in unreasonable proximity to electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in, or additions to, their system so as to comply with the provisions of this section, and the Undertakers shall make such alterations or additions accordingly. 15 20 25 30

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line notice in writing, specifying the course, nature and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used, and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing, or user of such electric line for the purpose of preventing such injurious affection; and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose 35 40 45

of preventing the communication through such wire or line from being injuriously affected as aforesaid. A.D. 1891.

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If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line, so long as the course, nature and gauge of such electric line, and the amount and nature of the current transmitted thereby, are not altered.

- (3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

- 17.—(1.) The Undertakers shall, within a period of three years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street and part of a street specified in that behalf in the Second Schedule, and shall thereafter maintain the same.

Mains, &c.,
to be laid
down in streets
specified in
Second Sche-
dule, and in
remainder
of area of
supply.

- (2.) In addition to the mains specified in the last preceding sub-section, the Undertakers shall, at any time after the expiration of three years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

- All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf, served upon them in accordance with the provisions of this Order, has become binding upon them, or such further time as may in any case be approved of by the Board of Trade.

- (3.) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, company, or person by

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Edinburgh. apply to the Board of Trade under section thirteen. of the Electric Lighting
 Act, 1882, for the written consent of the Board authorising and empowering
 the undertakers to break up such street, and the requisition shall not be
 binding upon them if the Board of Trade refuse their consent in that behalf. 5

If Undertakers
 fail to lay down
 mains, &c.,
 Order may be
 revoked.

18. If the Undertakers make default in laying down any distributing mains
 in accordance with the provisions of this Order within the periods prescribed
 in that behalf respectively, the Board of Trade may revoke this Order as to
 the whole, or, with the consent of the Undertakers, any part of the area of
 supply, or if the Undertakers so desire may suffer the same to remain in 10
 force as to such area or part thereof, subject to such conditions as they may
 think fit to impose, and any conditions so imposed shall be binding on and
 observed by the Undertakers, and shall be of the like force and effect in
 every respect as though they were contained in this Order.

Manner in
 which requi-
 sition is to be
 made.

19. Any requisition requiring the Undertakers to lay down distributing 15
 mains for the purposes of general supply throughout any street or part of
 a street may be made by six or more owners or occupiers of premises along
 such street or part of a street.

Every such requisition shall be signed by the persons making the same,
 and shall be served upon the Undertakers. 20

Forms of requisitions shall be kept by the Undertakers at their office,
 and a copy shall be supplied, free of charge, to any owner or occupier of
 premises within the area of supply, on application for the same, and any
 requisition so supplied shall be deemed valid in point of form.

Provisions on
 requisition by
 owners or
 occupiers.

20. Where any such requisition is made by any such owners or occupiers 25
 as aforesaid, the Undertakers (if they think fit) may, within fourteen days
 after the service of the requisition upon them, serve a notice on all the
 persons by whom the requisition is signed, stating that they decline to be
 bound by such requisition unless such persons, or some of them, will bind
 themselves to take, or will guarantee, that there shall be taken, a supply of 30
 energy for three years of such amount in the aggregate (to be specified by the
 Undertakers in such notice) as will, at the rates of charge for the time being
 charged by the Undertakers for a supply of energy from distributing mains
 to ordinary consumers within the area of supply, produce annually such
 reasonable sum as shall be specified by the Undertakers in such notice: 35
 Provided that in such notice the Undertakers shall not without the authority
 of the Board of Trade, specify any sum exceeding twenty per centum upon the
 expense of providing and laying down the required distributing mains, and
 any other mains or additions to existing mains, which may be necessary for
 the purpose of connecting such distributing mains with the nearest available 40
 source of supply.

Where such notice is served, the requisition shall not be binding on the
 Undertakers, unless, within fourteen days after the service of such notice on
 all the persons signing the requisition has been effected, or in case of
 difference the delivery of the arbiter's award, there be tendered to the Under- 45

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takers an agreement severally executed by such persons, or some of them, binding them to take, or guaranteeing that there shall be taken for a period of three years at the least, such specified amounts of energy respectively as will in the aggregate, at the rates of charge above specified, produce an
 5 annual sum amounting to the sum specified in the notice, or determined by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of
 10 the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, who after such inquiry, if any, as
 15 they shall think fit, may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers, or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years, and to specify such sum or percentage, whether calculated as herein-before provided or otherwise, as shall be fixed or
 20 directed by the Order, and the terms of the above-mentioned agreement shall be varied accordingly.

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

25 If any difference arises between the Undertakers and any person signing any such requisition as to any such notice or agreement, such difference shall, subject to the provisions of this section and the decision of the Board of Trade upon any such appeal as aforesaid, be determined by arbitration.

Supply.

30 21. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situated within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order, or any regulations and conditions
 35 subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises, in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which
 40 any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following (that is to say):—

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner, or in the possession of such occupier, and of so much of any such electric lines as it
 45 may be necessary to lay for a greater distance than sixty feet from any

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distributing main of the Undertakers, although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required, and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years, of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

Provided always that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security, or in case any security given has become invalid, or is insufficient, and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

Provided also, that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner, or uses the energy supplied to him by the Undertakers for any purposes, or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises so long as such user continues.

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers, or by other persons.

If any difference arises under this section as to any improper use of energy, or as to any alleged defect in any electric lines, fittings or apparatus, such difference shall be determined by arbitration.

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Edinburgh.
Maximum
power.

22. The maximum power with which any such consumer shall be entitled to be supplied, shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises, or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

23. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day upon which any such default occurs.

Penalty for
failure to
supply.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order, they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure, or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

24. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement):—

Methods of
charging.

- (1.) By the actual amount of energy so supplied; or,
- (2.) By the electrical quantity contained in such supply; or,
- (3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method of charge may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him, or by the

A.D. 1891. electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.
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Provided also that, before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall, by public advertisement, give notice by what method they propose to charge for energy supplied through such main; and, where the Undertakers have given any such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to every consumer who is supplied by them from such main.

Maximum
prices.

25. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively; or, in the case of a method of charge approved of by the Board of Trade, such price as the Board shall on approving such method determine.

Other charges
by agreement.

26. Subject to the provisions of this Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned, the Undertakers may make any agreement with a consumer as to the price to be charged for energy, and the mode in which such charges are to be ascertained, and may charge accordingly.

Electric Inspectors.

Appointment
of electric
inspectors.

27. The Board of Trade on the application of any consumer, or of the Undertakers, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

(a.) The inspection and testing, periodically and in special cases, of the Undertakers' electric lines and works and the supply of energy given by them;

(b.) The certifying and examination of meters; and,

(c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The Board of Trade may prescribe the fees to be taken by an electric inspector and the manner in which and the times at which his duties are to be performed.

Remuneration
of electric
inspector.

28. The Undertakers shall pay to every electric inspector appointed under this Order such reasonable remuneration, if any, as may be determined by the Board of Trade, and such remuneration may be in addition to, or in substitution for, any fees which are directed to be paid to electric inspectors for services rendered by them under this Order, or any regulations of the Board of Trade made in pursuance of this Order as may be settled by such Board; and where any such remuneration is settled to be in substitution for fees, any fees payable by any party other than the Undertakers shall, in lieu of

being paid to such electric inspector for his own use, be due and paid to him on behalf and for the use of the Undertakers, and shall be carried by them to the credit of the local rate.

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29. The Board of Trade may, if they deem it necessary, appoint any
5 electric inspector, or other fit person or persons, to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works, or as to the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such pro-
10 visions affect the safety of the public, have been complied with by the Undertakers; and any person appointed under this section, not being an electric inspector, shall, for the purposes of his appointment, have all the powers of an electric inspector under this Order.

Inquiry of
Board of Trade.

Testing and Inspection.

- 15 30. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient,
20 but except under the provisions of a special order in that behalf made by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the
25 supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener then once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of
mains.

- 30 31. An electric inspector, if and when required to do so by any consumer, shall on payment by such consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining
35 whether the Undertakers have complied with the provisions of this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Testing of
works and
supply on
consumers'
premises.

32. The sheriff may, upon the application of any ten consumers direct the Undertakers at their own cost to establish at such places, within a reasonable
40 distance from a distributing main, and keep in proper condition, such reasonable number of testing stations as the sheriff shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and thereupon the Undertakers shall establish such testing places and provide thereat such proper and suitable instruments of a pattern to be approved by

Undertakers
to establish
testing
stations.

A.D. 1891. the Board of Trade as the sheriff may direct, and they shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

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Undertakers to keep instruments on their premises.

33. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments, of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence. 5

Readings of instruments to be taken.

34. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep, at any testing station or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments, and any readings so recorded shall be receivable in evidence. 10

Electric inspector may test Undertakers' instruments.

35. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the same are not in order, he may require the Undertakers forthwith to have the same put in order. 15 20

Representation of Undertakers at testings.

36. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection. 25

Undertakers to give facilities for testing.

37. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing, and the readings and inspection of instruments, and shall comply with all requirements of or under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section, they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound. 30

Report of results of testing.

38. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the Board of Trade, or consumer (as the case may be) by whom he was required to make such testing, and also to the Undertakers, and such report shall be receivable in evidence. 35

If the Undertakers or any consumer are or is dissatisfied with any report of any electric inspector, they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties. 40

Expenses of electric inspector.

39. Save as otherwise provided by this Order or by any regulations under this Order, all fees and reasonable expenses of an electric inspector shall,

unless agreed, be ascertained by the Board of Trade, and shall be paid by the Undertakers, and may be recovered summarily. A.D 1891.

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Provided that where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, such fees and expenses shall, on being ascertained as above mentioned, be paid by such consumer or consumers as the Board of Trade, having regard to such report or decision, shall direct, and may be recovered summarily.

Provided also, that in any proceedings for penalties under this Order, any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainer or defender as the court may direct.

Meters.

40. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order. Meters to be used except by agreement.

41. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter, and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade, and every such meter is in this Order referred to as a "certified meter": Provided that where any alteration is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines, such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order. Meter to be certified.

42. Every electric inspector on being required to do so by the Undertakers or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value of the supply, and shall certify the same as a certified meter if he considers it entitled to be so certified. Inspector to certify meters.

43. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall if required so to do fix the same upon the premises of the consumer, and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises and execute all necessary works and do all necessary acts: Provided that, previously to supplying any such meter, the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give Undertakers to supply meters if required to do so.

A.D. 1891. security therefor, or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

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Meters not to be connected or disconnected without notice.

44. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line, unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings. 5

Consumer to keep his meter in proper order.

45. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value, and in default of his so doing, the Undertakers may cease to supply energy through such meter. 10

The Undertakers shall have access to and be at liberty to take off, remove, test, inspect and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting and replacing, and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers. 15 20

Power to the Undertakers to let meter.

46. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily. 25

Undertakers to keep meter let for hire in repair.

47. The Undertakers shall, unless the agreement of hire otherwise provides, at all times at their own expense, keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers. 30 35

Difference as to correctness of meter to be settled by inspector.

48. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter such difference shall be determined, upon the application of either party, by an electric inspector, who shall order by which of the parties the costs of and incidental to the 40 45

proceedings before him shall be paid, and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence, in the absence of fraud, of the value of the supply.

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5 49. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the Undertakers change the method of charging for energy supplied by them from such main, the Undertakers shall pay to such consumer the reasonable expenses to which
10 he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily.

Undertakers to pay expenses of providing new meters where method of charge altered.

15 50. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire, for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum power taken by such consumer, or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of
20 some construction and pattern, and shall be fixed and connected with the service lines in some manner approved by the Board of Trade, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Undertakers may place meters to measure supply or to check measurement thereof.

25

Maps.

51. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply, and shall
30 cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines and other underground works and street boxes, and shall once in every year cause such map to be duly corrected, so as to show the then existing lines. The Undertakers shall also, if so required by the Board of Trade or the Postmaster-General, cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be on such scale
35 or scales as the Board of Trade shall prescribe.

Map of area of supply to be made and deposited.

Every map and section so made or corrected for the Undertakers, or a copy thereof, with the date expressed thereon of the last time when it was so corrected, shall be kept by the Undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection
40 of all applicants, and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section or copy, and such further fee not exceeding five shillings for each copy of the same or any part thereof, taken by such
45 applicant, as they may prescribe.

A.D. 1891. The Undertakers shall, if so required by the Board of Trade or the
Edinburgh. Postmaster-General, supply to them or him a copy of any such map or
section, and cause such copy to be duly corrected so as to agree with the
original or originals thereof as kept for the time being at the office of the
Undertakers.

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If the Undertakers fail to comply with any of the requirements of this
section with respect to maps and sections they shall for every such offence
be liable to a penalty not exceeding ten pounds, and to a daily penalty not
exceeding two pounds.

Application of Moneys received.

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Application of
revenue.

52. All moneys from time to time received by the Undertakers in respect
of the undertaking, except (a) borrowed money, (b) money arising from the
disposal of lands acquired for the purposes of this Order, and (c) money not
of the nature of rent received by them in respect of any transfer under the
provisions of this Order, shall be applied by them as follows :—

15

(1.) In payment of the working and establishment expenses and cost of
maintenance of the undertaking, including all costs, expenses, penalties
and damages incurred or payable by the Undertakers consequent upon
any proceedings by or against the Undertakers, their officers or servants,
in relation to the undertaking;

20

(2.) In payment of the interest or dividend on any mortgages, stock or
other securities granted and issued by the Undertakers in respect of
money borrowed for electricity purposes;

(3.) In providing any instalments or sinking fund required to be provided
in respect of moneys borrowed for electricity purposes;

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(4.) In payment of all other their expenses of executing this Order not
being expenses properly chargeable to capital;

(5.) In providing a reserve fund, if they think fit, by setting aside such
money as they may from time to time think reasonable, and investing
the same and the resulting income thereof in Government securities, or
in any other securities in which trustees are by law for the time being
authorised to invest, other than stock or securities of the Undertakers,
and accumulating the same at compound interest until the fund so-
formed amounts to one-tenth of the aggregate capital expenditure on the
undertaking, which fund shall be applicable to answer any deficiency at
any time happening in the income of the Undertakers from the under-
taking, or to meet any extraordinary claim or demand at any time
arising against the Undertakers in respect of the undertaking, and so
that if that fund is at any time reduced it may thereafter be again
restored to the prescribed limit and so from time to time as often as such
reduction happens.

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The Undertakers shall carry the net surplus remaining in any year, and
the annual proceeds of the reserve fund when amounting to the prescribed
limit to the credit of the local rate as defined by the principal Act, or at their
option shall apply such surplus or some part thereof to the improvement of

45

the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes. A.D. 1891.

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Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking, the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the Undertakers.

10 Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

53. All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking, shall be applied by them as follows :—

Application
of capital
moneys.

- 15 (1.) In the reduction of the capital moneys borrowed by them for electricity purposes ;
 (2.) In the reduction of the capital moneys borrowed by them for other
 20 than electricity purposes.

Notices, &c.

54. Notices, orders and other documents under this Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order or document requires authentication by the Undertakers, the signature thereof by their clerk or surveyor shall be sufficient authentication.

Notices, &c.,
may be printed
or written.

55. Any notice, order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively :—

Service of
notices, &c.

- 30 (a.) In the case of the Board of Trade, the office of the Board of Trade ;
 (b.) In the case of the Postmaster-General, the General Post Office ;
 (c.) In the case of any county council, the office of such council ;
 (d.) In the case of any local or other authority, the office of such local or
 other authority ;
 35 (e.) In the case of any company having a registered office, the registered
 office of such company ;
 (f.) In the case of a company having an office or offices, but no registered
 office, the principal office of such company ;
 (g.) In the case of any other person, the usual or last known place of
 40 abode of such person.

A notice, order or document by this Order required or authorised to be served on the owner or occupier of any premises, shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

45 A notice, order or document by this Order required or authorised to be served on the owner or occupier of premises, may be served by delivering the

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same or a true copy thereof to some person on the premises, or if there is no person on the premises to whom the same can, with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works, or the performance of any duty or act, is less than seven days, the following days shall not be reckoned in the computation of such time; that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving.

Revocation of Order.

Revocation
 when works
 not executed.

56. If at any time after the commencement of this Order, the Board of Trade have reason to believe that the Undertakers have made default in executing works or supplying energy in accordance with the provisions of this Order, the Board of Trade may, after such inquiry as they may think necessary, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply upon such terms as to the Board of Trade may seem just.

Revocation of
 Order with
 consent.

57. In addition to any powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers, upon such terms as the Board of Trade may think fit.

Provisions
 where Order
 revoked.

58. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply any persons who may be liable to repair any street or part of a street within such area or part thereof in which any works of the Undertakers may have been placed, may forthwith remove such works with all reasonable care, and the Undertakers shall pay to such persons such reasonable costs of such removal as may be specified in a notice to be served on the Undertakers by such persons, or if so required, by the Undertakers within one week after the service of such notice upon them as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice, or the delivery of the award of the arbitrator as the case may be, such persons as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit, and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

Transfer of Powers, &c.

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*Edinburgh.*Transfer of
powers, &c.

59.—(1.) At any time after the commencement of this Order the Undertakers may, with the consent of the Board of Trade, by deed to be approved by the Board of Trade, transfer their powers, duties, liabilities and works
5 to any company or person, subject to such exceptions and modifications (if any), and for such period and upon such terms as may be specified therein, and either as to the whole or any part or parts of the area of supply; and during the said period, but subject to the provisions of this Order, such company or person shall, to the extent of the powers, duties and liabilities
10 so transferred, be the Undertakers for the purposes of this Order.

Provided that if at any time the Edinburgh and Leith Corporations Gas Commissioners shall be lawfully authorised to accept such a transfer as is herein-before mentioned, the Undertakers shall not be authorised to make such transfer to the said commissioners except with the consent of the
15 corporation of Edinburgh and of the corporation of Leith respectively, which consent shall only be competently given by resolution of the town council of Edinburgh and of the town council of Leith respectively, to be passed at a special meeting of each of the said town councils, held after one month's previous notice of the same and of the purpose thereof has been
20 given in the manner in which notices of meetings of the said respective town councils are usually given.

(2.) One month at least before any draft deed is submitted to the Board of Trade for their approval under this section, notice of the intention to make such transfer shall be published by the Undertakers by advertisement, and a
25 copy of the said draft deed shall be deposited for public inspection, during office hours, at the principal office of the Undertakers within the area of supply, and printed copies thereof shall be supplied to every person demanding the same at a price not exceeding sixpence for each copy.

(3.) Every such advertisement shall contain the following particulars:—

- 30 (a.) The area in respect of which the transfer is proposed to be made;
(b.) The period for which the transfer is proposed to be made;
(c.) The rent or other pecuniary consideration in respect of the transfer;
(d.) A general description of the powers, duties or liabilities of the Undertakers proposed to be excepted or modified, and of the terms upon which
35 the transfer is proposed to be made; and
(e.) The address of the office at which the copy of the said draft deed is deposited for public inspection, and at which printed copies of the same are on sale;

and such advertisement shall be inserted once at least in each of two
40 successive weeks in one and the same newspaper circulating within the area of supply, and once at least in the "Edinburgh Gazette."

(4.) The Undertakers may, with the consent of the Board of Trade, by deed to be approved in like manner, renew or continue any such transfer for such period, and subject to such variations or modifications (if any) as may be
45 specified therein, and the above provisions as to advertisements and particulars

A.D. 1891 shall apply to such matters as are hereby required to be specified in such last-
Edinburgh. mentioned deed.

(5.) Where, in relation to any powers, duties or liabilities so transferred such company or person have, in the opinion of the Board of Trade, been guilty of any act or default in respect of which the Board of Trade are 5 empowered to revoke this Order, the Board of Trade, if they think fit, in lieu of revoking this Order, may by Order permit the Undertakers to resume the undertaking as from such day as may be fixed by the Order, and from and after the said day the powers, duties and liabilities of the said company, or persons as Undertakers shall cease and determine, but without prejudice to 10 anything done or suffered during the period of transfer.

(6.) Any questions arising between the Undertakers and the said company or person respecting the resumption of the undertaking by the Undertakers shall be determined, on the application of either party, by the Board of Trade, regard being had to the deed of transfer so far as applicable, and the decision 15 of the Board of Trade shall be final and conclusive.

(7.) As soon as practicable after any such deed is approved by the Board of Trade, printed copies thereof shall be kept by the Undertakers for public inspection at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy; 20 and in case of any default herein the Undertakers shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

(8.) Nothing in this section shall affect any powers, duties or liabilities of the Undertakers which shall not be transferred by any such deed, and the Undertakers shall continue to have and be subject to such powers, duties and 25 liabilities, if any.

General.

Remedying
of system and
works.

60. If at any time it is represented to the Board of Trade (*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of 30 their circuits to be connected with earth or have placed any electric lines above ground in contravention of this Order, or (*b*) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under 35 this Order, or (*c*) that any work of the Undertakers or their supply of energy is attended with danger to the public safety, or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be 40 necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with such order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also, if they think fit, by the same or any other order made upon any such representation as aforesaid, forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with, or for such time as may be so specified, and if the

5 Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

10 Provided also that where the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof within the time therein limited in that behalf, the Board of Trade may, if they think fit, revoke this order on such terms as they may think just.

61. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking and for the time being

15 in force, shall within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and true copies thereof, certified by or on behalf of the Undertakers, shall be kept by them at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

20 If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

62. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise, and

25 of such amount as may be agreed upon between the parties, or as in default of agreement may be determined on the application of either party, by the sheriff, who may also order by which of the parties the costs of the proceedings before him shall be paid, and the decision of the sheriff shall be final and binding on all parties; Provided that where any such security is

30 given by way of deposit, the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

63. All things required or authorised under this Order to be done by, to, or before the Board of Trade may be done by, to, or before the President or a secretary or an assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the

40 President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the act so certified.

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Publication of
regulations.

Nature and
amount of
security.

Proceedings
of Board of
Trade.

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*Edinburgh.*As to
approval or
consent of
Board of
Trade.

64. Where this Order provides for any consent or approval of the Board of Trade, the Board may give such consent or approval, subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit. All costs and expenses of or incident to any application for any approval, consent, or order of the Board of Trade, including the cost of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made, to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same as they may think fit, to be prepared and deposited at their office at the expense of the said applicant or applicants, and may, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary.

Notice of
approval of
Board of
Trade, &c.,
to be given by
advertisement.

65. Where the Board of Trade, upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the Undertakers.

Recovery
and application
of penalties.

66. All penalties under this Order or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, and all fees, expenses, and other moneys in this Order, stated to be recoverable summarily, may be recovered in manner provided by the Summary Jurisdiction (Scotland) Acts.

Any such penalty recovered on prosecution by any body or person, or any part thereof, may, if the Court shall so direct, be paid to such body or person.

Undertakers to
be responsible
for all
damages.

67. The Undertakers shall be answerable for all accidents, damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works, and shall save harmless all authorities, bodies and persons by whom any street is repairable, and all other authorities, companies and bodies collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages and injuries.

Saving clause
for Postmaster-
General.

68. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Undertakers
not exempted
from pro-
ceedings for
nuisance.

69. Nothing in this Order shall exonerate the Undertakers from any indictment, action or other proceeding for nuisance in the event of any nuisance being caused by them.

70. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity, or to the supply of or price to be charged for energy, which may be passed after the commencement of this Order.

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Provision as to
general Acts.

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SCHEDULES.

FIRST SCHEDULE.

Area of supply :—

The whole of the City and Royal Burgh of Edinburgh as constituted at the commencement of this Order.

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SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of three years after the commencement of this Order :—

- Abercromby Place,
- 15 Ainslie Place (south-eastern portion),
- Atholl Place,
- Chambers Street,
- Charlotte Square (north and east sides),
- Charlotte Street (south),
- 20 Coates Crescent,
- Coates Place,
- Darnaway Street,
- Drumsheugh Gardens (from Rothesay Place to Drumsheugh Place),
- Drumsheugh Place,
- 25 Erskine Place,
- Forrest Road,
- George Street,
- Glenfinlas Street,
- Great Stuart Street,
- 30 Greyfriars Place,
- Heriot Row,
- Lindsay Place,
- Maitland Street,
- Melville Place,

A.D. 1891. <u>Edinburgh.</u>	Moray Place (from Great Stuart Street to Darnaway Street),	
	North Bridge,	
	Palmerston Place (from Coates Place to Rothesay Place),	
	Princes' Street,	
	Queensferry Street,	5
	Randolph Crescent (southern portion),	
	Rothesay Place,	
	St. Andrew Square,	
	Shandwick Place,	
	South Bridge (from High Street to Chambers Street).	10

THIRD SCHEDULE.

List of streets not repairable by the local authority, railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order:—

(A.) STREETS.

	Abbey Strand, Abercorn Road, Abinger Gardens, Admiral Terrace, Alfred Place, Alva Place (east side of buildings), Anderson's Court (Old Broughton), Annandale Street Lane, Ann Terrace, Ardmillan Place, Argyll Terrace, Ashley Buildings, Atholl Terrace, Avondale Place, Balbirnie Place, Balmoral Place, Balcarres Street, Balcarres Lane, Baxter's Buildings, Beaverhall Road, Dr. Begg Buildings; Begrie's Entry, Belford Terrace, Belford Park, Belford Place, Belfrage Lane (north-east and north-west sections), Belgrave Crescent Mews, Belgrave Mews, Belhaven Terrace, Bell Place, Bell's Mills, Bellevue Road, Bellevue Street, Bernard Terrace, Blantyre Terrace, Braid Avenue, Braid Crescent, Bread Street Lane, Breadalbane Terrace, Bright Terrace, Broughton Court, Broughton New (north and west sections), Broughton Place East (south section), Broughton Place Lane, Brown Street Buildings, Brown's Court, Bruce Street, Brunswick Street Leith Walk, (from Montgomery Street northwards for a distance of 55 yards or thereby), Brunswick Street Hillside, (from Montgomery Street southwards for a distance of 40 yards or thereby), Brunswick Street Lane, Bruntsfield Avenue, Bruntsfield Crescent, Bruntsfield Gardens, Bryson Road, Buccleuch Terrace, Buchanan Street, Buckingham Terrace Mews, Burgess Terrace, Caledonian Cottages, Callender's Entry, Cameron Park, Campbell's Close West, Canal Bank, Canal Street North, Canning Street, Canning Lane, Canon Lane, Carberry Place, Carfrae's Entry, Catherine Place, Catherine Place West, Chancelot Terrace, Charlotte Mews, Chester Street Mews, Christie's Entry, Church Lane Square, Cluny Avenue (from Braid Avenue to Cluny Place), Cluny Gardens, Clyde Street Lane (north-east section), Cobden Terrace, Collins Place, Coltbridge Gardens, Coltbridge Avenue, Coltbridge Terrace Upper, Colville Place, Comely Green Crescent (east half), Comiston Drive, Comiston Road South, Convening Court, Cottage Lane, Craighouse Road, Craiglea Drive, Crawford's Close,	15 20 25 30 35 40
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- Crawfurd Road, Cumberland Street North Lane (east division), Cumberland Street South Lane (east division), Currie's Court, Dalhousie Terrace, Dalmeny Road, Dalry Lane, Darling's Buildings (from Mill Lade to Saunders Street), Darsie Place (section on east side of buildings), Davidson's
- 5 Lane, Dean Park Street, Dean Park Mews, Devon Place, Distillery Road, Dorset Place, Douglas Court, Douglas Gardens Mews, Douglas Terrace, Drummond Street Court, Dryden Place, Dryden Street, Dublin Street Lane (east side of Dublin Street), Duke Street Lane, Dumbiedykes Lane, Dunbar's Close, Duncan's Close, Dunedin Street, Dunrobin Place, Dyer's Close, Eden
- 10 Lane, Eglinton Street, Egypt Avenue, Eildon Street, Elgin Place, Elliot Street, Ethel Terrace, Eyre Crescent, Forsyth's Close, Fountainhall Road (from South Lauder Road to Mayfield Road), Freer Street, Freer Street Terrace, Galloway's Entry, Gardner's Crescent (from the gardens southwards), Gardner Street, Garscube Terrace, Gayfield Lane North, Gayfield Lane South, General's
- 15 Entry, George Square Lanes (from west-end of Charles Street Lane southwards and eastwards to south-west entrance to George Square), Gibson Street, Gibson Terrace (southern section), Gilchrist's Entry, Gilmore Place Lane, Gilmore Terrace Upper, Gilmour's Land, Gilmour Road (from Suffolk Road southwards to municipal boundary), Glenogle Terrace, Glenorchy Place,
- 20 Golden Acre Terrace, Gosforth Place, Gow's Close, Granby Road, Grange Court, Hamilton Court, Hampton Place, Hart Street Lane, Hartington Gardens, Hartington Place, Hartington Terrace, Hastie's Close, Hawthorn Terrace, Haxton's Court, Hazelbank Terrace, Henderland Road, Heriot Bridge, Heriot Place Lane, Hermand Terrace, Hermitage Gardens, Hill Street
- 25 North Lane, Hillside Crescent (east section), Hillside Street, Hollybank Terrace, Holyrood Buildings (Montrose Terrace), Holyrood Square, Holyrood Terrace, Hope Crescent, Hope Park Square, Hunter's Close, Hugh Miller Place (east side of buildings), Inglis Court, Ink's Close, Inverleith Avenue, Inverleith Gardens, Inverleith Place Lane, Inverleith Terrace, Inverleith
- 30 Terrace Lane, Jamieson's Close, Jane Terrace, Kemp Place, Kennedy's Close, Killie Brae, Kilmaurs Terrace, Kilmaurs Road, Kinloch's Close, Kitchen's Court, Ladeside, Lady Menzies Place (west side of buildings), Lady Wynd, Lamb's Close, Lauder Road South, Laurel Terrace, Lauriston Gardens (north half, opposite Convent), Lauriston Park, Leamington Road,
- 35 Leamington Place, Legget's Land, Lewis Terrace, Lilyhill Terrace, Lochrin, Logie Green, London Street East (from Cochrane Terrace to Annandale Street), Lyon's Close, M'Conochie's Close, M'Laren Road, M'Laren Terrace, M'Leod Street, Malloch's Close, Malta Green Place, Mansion House Road North, Marchhall Crescent, Marchhall Road, Marchmont Road, Mardale
- 40 Crescent, Marshhall Place, Mary King's Close, Maxwell Street (Dalry), Megget's Court, Melgund Terrace, Mentone Terrace, Merchiston Avenue North, Merchiston Bank Avenue, Merchiston Mews, Midcommon Close, Miller's Entry, Miller's Land, Millerfield Place (from line of Melville Terrace to South end of street), Miln's Close, Milton Street, Monmouth Terrace, Montagu
- 45 Terrace, Montgomery Street (from Windsor Street Lane to Brunswick Street Lane, and from West Montgomery Place to East Montgomery Place),

A.D. 1891: *Edinburgh.* Montgomery Street East, Montpelier, Morningside Park, Morningside Gardens, Mortonhall Road, Moston Terrace, Mowat Place, Mulberry Place, Munro Place, Munro's Close, Murano Place, Murdoch Terrace (south section), Murieston Crescent, Murieston Place, Murieston Road, Murieston Street, Murieston Terrace, Murrayfield Avenue, Murrayfield Great Avenue, Newton Street, 5 Northcote Street, North Park Terrace, Northumberland Street, North Lane (east division), Oswald Road South, Palmerston Place Mews, Park Road, Parliament Square (in front of Crown properties and County Hall), Paterson's Court (Old Broughton), Patriot Hall, Pembroke Place, Pentland Terrace, Perth Street, Pilrig Model Buildings, Pirrie's Close, Pleasance Court, Pollock's Close, 10 Polwarth Gardens, Polwarth Terrace (from Harrison Road to Colinton Road), Polwarth Crescent, Portgower Place, Primrose Place, Prince Albert Buildings, Prospect Place, Prospect Street, Prospect Terrace, Quarry Close, Rae's Buildings, Rae's Close, Ramsay Gardens, Randolph Mews, Rattray's Close, Ravelston Park, Ravelston Place, Ravelston Terrace, Ravelston Road, Reid 15 Terrace (west and south side of buildings), Reid's Close, Reid Court, Reikie's Court, Relugas Road, Riddle's Entry, Rillbank Terrace, Rintoul Place, Robb's Entry, Robertson's Close, Robertson's Court, Rochester Terrace, Rodney Street, Rosebank Cottages, Rosebank Place, Rosebery Crescent Mews, Roseburn Place, Rose Court, Rosemount Buildings, Rossie Place, Rothesay Place, Rothesay 20 Terrace, Royston Terrace, St. Alban's Road, St. Clair Terrace, St. David's Place, St. David's Terrace, St. Fillan's Terrace, St. John's Close, St. Ronan's Terrace, St. Thomas' Road, Salisbury Square, Savile Terrace, Savile Terrace West, Scone Gardens, Semple Street Court, Shandon Road, Shandon Crescent (west half), Shandon Terrace, Simpson's Court, Smith's Close, Spence Street, Spey 25 Street Mews, Spittalfield Crescent, Spottiswoode Road, Stanhope Place, Stanhope Place West, Steel's Place, Stevenlaw's Close, Stewart's Close, Strachan's Court, Strathie's Close, Strichen's Close, Summerhall Square Sunbury, Sunbury Place, Sunbury Mews, Sunbury Street, Surgeon Square, Surrey Place, Surrey Square (south and east sections), Sutherland Street, 30 Tanner's Close, Tay Street, Teviotdale Place, Thirlestane Road, Thirlestane Lane, Thistle Court, Thomson's Court (Abbey Strand); Thomson's Court (Grass-market); Trunk Close, Turnbull's Entry, Tweeddale Court, Tynecastle Lane, Tynecastle Place, Vallance's Entry, Veal Market, Veitch's Square, Ventnor Terrace, View Craig Row Lower, View Craig Row Upper, Viewforth Gardens, 35 Viewforth Terrace, Violet Bank, Violet Terrace, Walker's Pend, Walker Terrace, Wallace's Land, Warden's Close, Wardlaw Place, Wardlaw Street, Warrender Park Road, Washington Street, Watson Crescent, Weaver's Land, Weir's Close, Wemyss Terrace, West Mill Lane, West Park Place, Wester Close, Westhall Gardens, Whitepark, Whyte Place, Wilfrid Terrace, William 40 Street South Lane (east division), Williamson's Court, Willowbrae Villas, Wilson's Court, Wilton Road, Windsor Street Lane, Wolseley Crescent, Wolseley Gardens, Woodburn Terrace, Yeaman Place, Yeaman Lane, York Lane (east section).

(C.) TRAMWAYS.

A.D. 1891.

The Edinburgh Street Tramways.

Edinburgh.

The Edinburgh Northern Tramways.

FOURTH SCHEDULE.

5 In this schedule—

The expression “unit” shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

SECTION 1.

- 10 Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter: For any amount up to twenty units, thirteen shillings and fourpence; and for each unit over twenty units, eightpence.

SECTION 2.

- 15 Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say,
- 20 such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.
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A.D. 1891.

Paisley.

PAISLEY ELECTRIC LIGHTING.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 to 1890 to the Magistrates and Town Council of the Burgh of Paisley in respect of the Burgh of Paisley.

5

Preliminary.

- Short title. 1. This Order may be cited as the Paisley Electric Lighting Order 1891.
- Interpretation. 2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 1888 and 1890 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of 10 Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order—
- The expression "energy" shall mean electrical energy and for the purposes 15 of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882 :
- The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied : 20
- The expression "main" shall mean an electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply :
- The expression "service line" shall mean any electric line through which 25 energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers :
- The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the 30 purposes of general supply :
- The expression "general supply" shall mean the general supply of energy to ordinary consumers but shall not include the supply of energy to any one or more particular consumers under special agreement :
- The expression "area of supply" shall mean the area within which the 35 Undertakers are for the time being authorised to supply energy under the provisions of this Order :
- The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers :

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines : A.D. 1891.
Paisley.

- 5 The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected :
- 10 The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined :
The expression "tramway" shall mean any tramway laid along any street :
- 15 The expression "sheriff" shall mean the sheriff of the county of Renfrew or any of his substitutes :
- The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof :
- 20 The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively :
- The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade :
- 25 The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commence-
ment of Order.

Description of the Undertakers.

4. Subject to the provisions of this Order the Undertakers for the purposes of this Order shall be the Magistrates and Town Council of the Burgh of Paisley as the authority empowered by the Paisley Corporation Gas Act 1870 to supply gas within the area of supply. Description of
Undertakers.

Area of Supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon surrounded with a blue line. Area of
supply.

A.D. 1891.

*Nature and Mode of Supply.**Paisley.*
Systems and
mode of
supply.

6. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided as follows:—

- (1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for ensuring a proper and sufficient supply of energy as the Board of Trade may impose; and 5
- (2.) The Undertakers shall not without the express consent of the Board of Trade place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply; and 10
- (3.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations and conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions (if any) of such approval. 15

Lands.

20

Purchase and
use of lands.

7. Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on feu or lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them whether as gas authority town council commissioners of police road trustees water commissioners or in any other public capacity but subject as to such last-mentioned lands to the approval of the Secretary for Scotland and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order. Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade. 30

Provided also that the Undertakers shall not except with the consent of the Secretary for Scotland take for the purposes of this Order ten or more houses which after the passing of the Act confirming this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. 35

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing other except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them. 40

Works.

A.D. 1891.

Paisley.
Power for
execution of
works.

8. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets, railways and tramways may for the time being be included in the area of supply and be or be upon lands dedicated to public use: Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets, railways, or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section thirteen of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

9. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes.

Street
boxes.

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

10. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect:—

Notice of
works with
plan to be
served on the
Postmaster-
General.

(a.) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General describing the proposed works together with a plan of the works showing the mode and position in which such works

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F

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Paisley.

are intended to be executed and the manner in which it is intended that such street or bridge is to be interfered with and shall upon being required to do so by the Postmaster-General give him any such further information in relation thereto as he may desire.

- (b.) The Postmaster-General may in his discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers. 5
- (c.) Where the Postmaster-General approves any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapproves of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same. 10 15
- (d.) If the Postmaster-General fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon him he shall be deemed to have approved such works and plan.
- (e.) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and of the principal Act. 20 25
- (f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 30 35 40

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy. 45

11. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested:—

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As to streets not repairable by the local authority railway tramways and canals.

(a.) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be) in this section referred to as the "owners" describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(b.) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof.

(c.) Within three weeks after the service of any such notice and plan upon the owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(d.) In settling any question under this section an arbiter shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible.

(e.) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause the works specified in such notice and plan as aforesaid to be executed and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as hereinbefore mentioned or as may be agreed upon between the parties.

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Paisley,

(f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works.

(g.) Where the repair renewal or amendment of any existing works of which the character or position is not altered will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours' notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

(h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case are of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Street authority &c. may give notice of desire to break up streets &c. on behalf of Undertakers.

12. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order if they think fit may serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served. Where such body or person as aforesaid (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested :—

(a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have

refused or neglected to comply with such requisition as hereinafter provided or in cases of emergency.

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(b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged.

(c.) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.

(d.) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.

(e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice.

(f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

(g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling

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*Paisley.*As to alteration
of pipes
wires &c.
under streets.

in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

13. The Undertakers may alter the position of any pipes or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested:—

- (a.) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as "the operators" shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as "the owners" describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by the owners give them any such further information in relation thereto as they may desire.
- (b.) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.
- (c.) In settling any question under this section an arbiter shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible.
- (d.) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

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- (e.) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after prov
- 5 (f.) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made.
- 10 (g.) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable.
- 15 (h.) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.
- 20 (i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily.
- 25 (j.) Any owners may if they think fit by any statement served by them under this section upon any operators not being a local authority require such operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where such operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.
- 30 (k.) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court
- 35 40 45
- having cognizance of the case are of opinion that the case was one of

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Laying of
electric lines
&c. near gas or
water pipes
or other
electric lines.

emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

14. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as "the operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as "the owners" not less than three days' notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer drain watercourse defence pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owners repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case are of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable

under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the main pipe syphon electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

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5 For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company" shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

10 15. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection
of railway and
canal com-
panies.

15 16.—(1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signal-
20 ling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked
25 their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration and the arbiter (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity
30 to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

For protection
of telegraphic
and telephonic
wires.

(2.) Seven days before commencing to lay down or place any electric line
35 or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the
40 course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used; and any owner entitled to receive such notice may from time to time serve a requisition on the Under-
45 takers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose

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of preventing such injurious affection; and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration: Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered. 5 10

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers. 15 20

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid. 25

Compulsory Works.

Mains &c. to be laid down in streets specified in Second Schedule and in remainder of area of supply.

17.—(1.) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule and shall thereafter maintain the same. 30

(2.) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner by this Order provided. 35

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade. 40

(3.) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the 45

Undertakers shall (unless the authority company or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

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18. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively the Board of Trade may revoke this Order as to the whole or (with the consent of the Undertakers) any part of the area of supply or if the Undertakers so desire may suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order.

If Undertakers fail to lay down mains &c. Order may be revoked.

19. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street.

Manner in which requisition is to be made.

20 Every such requisition shall be signed by the persons making the same and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply on applying for the same and any requisition so supplied shall be deemed valid in point of form.

20. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom such requisition is signed stating that they decline to be bound by the requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for the supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Provisions on requisition by owners or occupiers.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing such requisition has been effected or in the case of difference the delivery of the arbiter's award there be tendered to the Undertakers

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an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sums specified in the notice or determined by arbitration 5 under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid. 10

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry if any as they shall think fit may by order either determine that the requisition is unreasonable 15 and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or percentage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall 20 be varied accordingly.

In the case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing 25 any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

Supply.

Undertakers
to furnish
sufficient
supply of
energy to
owners and
occupiers
within the
area of supply.

21. The Undertakers shall upon being required so to do by the owner or 30 occupier of any premises within the area of supply situated within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to 35 supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled 40 to be supplied under this Order subject to the conditions following (that is to say):—

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric 45

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line as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier.

5 Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such

10 supply is required to commence; and

Enter into a written contract with the Undertakers if required by them so to do to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the

20 Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

Provided always that the Undertakers may after they have given a supply

25 of energy to any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become

30 invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

Provided also that if the owner or occupier of any such premises as

35 aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purpose or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user

40 continues.

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers

45 or other persons.

A.D. 1891. If any difference arises under this section as to any improper use of
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such difference shall be determined by arbitration.

Maximum
power.

22. The maximum power with which any such consumer shall be entitled
to be supplied shall be of such amount as he may require to be supplied with 5
not exceeding what may be reasonably anticipated as the maximum con-
sumption on his premises: Provided that where any consumer has required
the Undertakers to supply him with a maximum power of any specified
amount he shall not be entitled to alter that maximum except upon one
month's notice to the Undertakers and any expenses reasonably incurred 10
by the Undertakers in respect of the service lines by which energy is supplied
to the premises of such consumer or any fittings or apparatus of the Under-
takers upon such premises consequent upon such alteration shall be paid by
him to the Undertakers and may be recovered summarily.

If any difference arises between any such owner or occupier and the 15
Undertakers as to what may be reasonably anticipated as the consumption on
his premises or as to the reasonableness of any expenses under this section
such difference shall be determined by arbitration.

Penalty for
failure to
supply.

23. Whenever the Undertakers make default in supplying energy to any
owner or occupier of premises to whom they may be and are required to 20
supply energy under this Order they shall be liable to a penalty not exceeding
forty shillings in respect of every such default for each day upon which any
such default occurs.

Whenever the Undertakers make default in supplying energy in accordance
with the terms of any regulations and conditions subject to which they are 25
authorised to supply energy under this Order they shall be liable to such
penalties as may by such regulations and conditions be prescribed in that
behalf.

Provided that the penalties to be inflicted on the Undertakers under this
section shall in no case exceed in the aggregate the sum of fifty pounds in 30
respect of any defaults not being wilful defaults on the part of the Under-
takers for any one day and provided also that in no case shall any penalty be
inflicted in respect of any default if the court having cognizance of the case
shall be of opinion that such default was caused by inevitable accident or by
force majeure or was of so slight or unimportant a character as not materially 35
to affect the value of the supply.

Price.

Methods of
charging.

24. The Undertakers may charge for energy supplied by them to any
ordinary consumer (otherwise than by agreement)—

- (1.) By the actual amount of energy so supplied; or
- (2.) By the electrical quantity contained in such supply; or
- (3.) By such other method as may for the time being be approved by the
Board of Trade.

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Paisley.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method of charge may by one month's notice in writing require the Undertakers to charge him at their option by the actual quantity of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall by public advertisement give notice by what method they propose to charge for energy supplied through such main and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to every consumer who is supplied by them from such main.

25. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of charge approved of by the Board of Trade such price as the Board shall on approving such method determine.

Maximum prices.

26. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

Other charges by agreement.

Electric Inspectors.

27. The Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

Appointment of electric inspectors.

The duties of an electric inspector under this Order shall be as follows:—

(a.) The inspection and testing periodically and in special cases of the Undertakers electric lines and works and the supply of energy given by them ;

(b.) The certifying and examination of meters ; and

(c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The Board of Trade may prescribe the fees to be taken by an electric inspector and the manner in which and the times at which any such duties are to be performed.

28. The Undertakers shall pay to every electric inspector appointed under this Order such reasonable remuneration (if any) as may be determined by the Board of Trade and such remuneration may be in addition to or in substitution for any fees which are directed to be paid to electric inspectors

Remuneration of electric inspector.

A.D. 1891. for services rendered by them under this Order or any regulations of the Board of Trade made in pursuance of this Order as may be settled by such Board and where any such remuneration is settled to be in substitution for fees any fees payable by any party other than the Undertakers shall in lieu of being paid to such electric inspector for his own use be due and paid to him on behalf and for the use of the Undertakers and shall be carried by them to the credit of the local rate. 5

Inquiry by
Board of Trade.

29. The Board of Trade may if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order. 15

Testing and Inspection.

Testing of
mains.

30. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade. 20 25 30

Testing of
works and
supply on
consumer's
premises.

31. An electric inspector if and when required to do so by any consumer shall on payment by such consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy. 35 40

Undertakers
to establish
testing stations.

32. The Sheriff may upon the application of any ten consumers direct the Undertakers at their own cost to establish at such places within a reasonable distance from a distributing main and keep in proper condition such reason-

able number of testing stations as the sheriff shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and thereupon the Undertakers shall establish such testing places and provide thereat such proper and suitable instruments of a pattern to be approved by
5 the Board of Trade as the sheriff may direct and they shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.

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33. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper
10 instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence.

Undertakers
to keep
instruments
on their
premises.

34. The Undertakers shall keep in efficient working order all instruments
15 which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may examine and record the readings of such instruments and any readings so recorded shall be receivable in evidence.

Readings of
instruments
to be taken.

35. Any electric inspector appointed under this Order shall have the
20 right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Electric
inspector
may test
Undertakers'
instruments.

36. The Undertakers may if they think fit on each occasion of the testing
25 of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or other agent but such officer or agent shall not interfere with the testing or inspection.

Representa-
tion of
Undertakers
at testings.

37. The Undertakers shall afford all facilities for the proper execution of
30 this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily
35 penalty not exceeding one pound.

Undertakers
to give
facilities for
testing.

38. Every electric inspector shall on the day immediately following that
40 on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the Board of Trade or consumer (as the case may be) by whom he was required to make such testing and also to the Undertakers and such report shall be receivable in evidence.

Report of
results of
testing.

If the Undertakers or any consumer are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade

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*Paisley.*Expenses of
electric
inspector.

against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties.

39. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by the Board of Trade and shall be paid by the Undertakers and may be recovered summarily. 5

Provided that where the report of an electric inspector or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the Board of Trade having regard to such report or decision shall direct and may be recovered summarily. 10

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connection with such proceedings shall be payable by the complainant or defender as the court may direct. 15

*Meters.*Meters to be
used except by
agreement.

40. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order. 20

Meter to be
certified.

41. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter" Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order. 25 30

Inspector to
certify meters.

42. Every electric inspector on being required so to do by the Undertakers or by any consumer and on payment of the prescribed fees by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified. 35

Undertakers
to supply
meters if re-
quired to do so.

43. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may 40

authorise and empower any officer or person to enter upon such premises and execute all necessary works and do all necessary acts: Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or if he desires to hire such meter may require him to enter into an agreement for the hire of such meter as hereinafter provided.

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44. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Meters not to be connected or disconnected without notice.

45. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

Consumer to keep his meter in proper order.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses in connection therewith shall be paid by the Undertakers.

46. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily.

Power to the Undertakers to let meters.

47. The Undertakers shall unless the agreement for hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Undertakers to keep meters let for hire in repair.

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Difference as to correctness of meter to be settled by inspector.

48. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector who shall order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply. 5 10

Undertakers to pay expenses of providing new meters where method of charge altered.

49. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily. 15

Undertakers may place meter to measure supply or check measurement thereof.

50. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals. 20 25 30

Maps.

Map of area of supply to be made and deposited.

51. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be on such scale or scales as the Board of Trade shall prescribe. 35 40

Every map and section so made or corrected or a copy thereof with the date expressed thereon of the last time when it was so corrected shall be kept

by the Undertakers at their office and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof.

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The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The Undertakers shall if so required by the Board of Trade or the Postmaster-General supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Application of Moneys received.

52. All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money (b) money arising from the disposal of lands acquired for the purposes of this Order and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order, shall be applied by them as follows :—

Application of
revenue.

(1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers their officers or servants in relation to the undertaking.

(2.) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes.

(3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.

(4.) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital.

(5.) In providing a reserve fund if they think fit by setting aside such money as they may think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and

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so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or some part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceeds five pounds per centum per annum upon the aggregated capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall apply only to so much of the undertaking as shall for the time being remain in the hands of the Undertakers.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

Application of capital moneys.

53. All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows :—

- (1.) In the reduction of the capital moneys borrowed by them for electricity purposes.
- (2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Notices &c.

Notices &c. may be printed or written.

54. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the Undertakers the signature thereof by their clerk or surveyor shall be sufficient authentication.

Service of notices &c.

55. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively :—

- (a) In the case of the Board of Trade the office of the Board of Trade ;
- (b) In the case of the Postmaster-General the General Post Office ;
- (c) In the case of any county council the office of such council ;
- (d) In the case of any local authority the office of such local authority ;
- (e) In the case of any company having a registered office the registered office of such company ;

- (f) In the case of a company having an office or offices but no registered office the principal office of such company ; A D. 1891.
 (g) In the case of any other person the usual or last known place of abode of such person. Paisley.

- 5 A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.
- 10 A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises.
- 15 Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time that is to say Sunday Christmas
- 20 Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving or any day appointed for a public holiday within the area of supply.

Revocation of Order.

- 25 56. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made default in executing works or supplying energy in accordance with the provisions of this Order the Board of Trade may after such inquiry as they may think necessary revoke this Order as to the whole or with the consent of the Undertakers
- 30 any part of the area of supply upon such terms as to the Board of Trade may seem just. Revocation where works not executed.
57. In addition to any powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers upon such terms as the Board of Trade may
- 35 think fit. Revocation of Order with consent.
58. If the Board of Trade at any time revoke this Order as to the whole or any part of the area affected thereby any persons who may be liable to repair any street or part of a street within such area or part thereof in which any works of the Undertakers may have been placed may forthwith remove
- 40 such works with all reasonable care and the Undertakers shall pay to such persons such reasonable costs of such removal as may be specified in a notice to be served on the Undertakers by such persons or if so required by the Undertakers within one week after the service of such notice upon them as may be settled by arbitration. Provisions where Order revoked.

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If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator as the case may be such persons as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

*Transfer of Powers, &c.*Transfer of
powers, &c.

59.—(1.) At any time after the commencement of this Order the Undertakers may with the consent of the Board of Trade by deed to be approved by the Board of Trade transfer their powers duties liabilities and works to any company or person subject to such exceptions and modifications (if any) and for such period and upon such terms as may be specified therein and either as to the whole or any part or parts of the area of supply and during the said period but subject to the provisions of this Order such company or person shall to the extent of the powers duties and liabilities so transferred be the Undertakers for the purposes of this Order.

(2.) One month at least before any draft deed is submitted to the Board of Trade for their approval under this section notice of the intention to make such transfer shall be published by the Undertakers by advertisement and a copy of the said draft deed shall be deposited for public inspection during office hours at the office of the Undertakers and printed copies thereof shall be supplied to every person demanding the same at a price not exceeding sixpence for each copy.

(3.) Every such advertisement shall contain the following particulars:—

- (a) the area in respect of which the transfer is proposed to be made;
- (b) the period for which the transfer is proposed to be made;
- (c) the rent or other pecuniary consideration in respect of the transfer;
- (d) a general description of the powers duties or liabilities of the Undertakers proposed to be excepted or modified and of the terms upon which the transfer is proposed to be made; and
- (e) the address of the office at which the copy of the said draft deed is deposited for public inspection and at which printed copies of the same are on sale

and such advertisement shall be inserted once at least in each of two successive weeks in one and the same newspaper circulating within the area of supply and once at least in the Edinburgh Gazette.

(4.) The Undertakers may with the consent of the Board of Trade by deed to be approved in like manner renew or continue any such transfer for such period and subject to such variations or modifications (if any) as may be specified therein and the above provisions as to advertisements and particulars

shall apply to such matters as are hereby required to be specified in such last mentioned deed. A.D. 1891.

Paisley.

(5.) Where in relation to any powers duties or liabilities so transferred such company or person have in the opinion of the Board of Trade been guilty of any act or default in respect of which the Board of Trade are empowered to revoke this Order the Board of Trade if they think fit in lieu of revoking this Order may by order permit the Undertakers to resume the undertaking as from such day as may be fixed by the order and from and after the said day the powers duties and liabilities of the said company or persons as Undertakers shall cease and determine but without prejudice to anything done or suffered during the period of transfer.

(6.) Any questions arising between the Undertakers and the said company or persons respecting the resumption of the undertaking by the Undertakers shall be determined on the application of either party by the Board of Trade regard being had to the deed of transfer so far as applicable and the decision of the Board of Trade shall be final and conclusive.

(7.) As soon as practicable after any such deed is approved by the Board of Trade printed copies thereof shall be kept by the Undertakers for public inspection at their office and supplied to any person demanding the same at a price not exceeding sixpence for each copy and in case of any default herein the Undertakers shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(8.) Nothing in this section shall affect any powers duties or liabilities of the Undertakers which shall not be transferred by any such deed and the Undertakers shall continue to have and be subject to such powers duties and liabilities (if any).

General.

60. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or have permitted any part of their circuits to be connected with earth or have placed any electric line above ground in contravention of this Order, or (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any

Remedying
of system
and works.

A.D. 1891.

Paisley.

electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

5

Where the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade and fail to comply with any order made under this section in respect thereof within the time therein limited in that behalf the Board of Trade may if they think fit revoke this Order on such terms as they may think just.

10

Publication of
regulations.

61. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and true copies thereof certified by or on behalf of the Undertakers shall be kept by them at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

15

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

20

Nature and
amount of
security.

62. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed on between the parties or as in default of agreement may be determined on the application of either party by the sheriff who may also order by which of the parties the costs of the proceedings before him shall be paid and the decision of the sheriff shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

25

30

Proceedings
of Board of
Trade.

63. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

35

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the act so certified.

40

As to approval
or consent of
Board of
Trade.

64. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or

conditions or may withhold their consent or approval as in their discretion they may think fit. A.D. 1891.

Paisley

All costs and expenses of or incident to any application for any approval consent or order of the Board of Trade including the cost of any tests which
5 may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor: Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they
10 may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may if they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

65. Where the Board of Trade upon the application of the Undertakers
15 give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall
20 be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the Undertakers.

Notice of approval of Board of Trade &c. to be given by advertisement.

66. All penalties under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for and all fees expenses and other moneys in this Order
25 stated to be recoverable summarily may be recovered in manner provided by the Summary Jurisdiction (Scotland) Acts.

Recovery of penalties.

Any such penalty recovered on prosecution by any body or person or any part thereof may if the court shall so direct be paid to such body or person.

67. The Undertakers shall be answerable for all accidents damages and
30 injuries happening through the act or default of the Undertakers or of any person in their employment by reason or in consequence of the Undertakers' works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages
35 and costs in respect of such accidents damages and injuries.

Undertakers to be responsible for all damages.

68. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1885 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the
40 provisions of those Acts.

Saving clause for Postmaster-General.

69. Nothing in this Order shall authorise the Undertakers to take use or
in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and
45 under the management of the Board of Trade without the previous consent

Saving rights of the Crown in the fore-shore.

A.D. 1891. in writing of the Board of Trade on behalf of Her Majesty (which consent
Paisley. the Board of Trade may give) neither shall anything in this Order contained
 extend to take away prejudice diminish or alter any of the estates rights
 privileges powers or authorities vested in or enjoyed or exerciseable by the
 Queen's Majesty. 5

Undertakers 70. Nothing in this Order shall exonerate the Undertakers from any
 not exempted indictment action or other proceedings for nuisance in the event of any
 from pro- nuisance being caused by them.

Provision as to 71. Nothing in this Order shall exempt the Undertakers or their under-
 general Acts. taking from the provisions of or deprive the Undertakers of the benefit 10
 of any general Act relating to electricity or to the supply of or price to be
 charged for energy which may be passed after the commencement of this
 Order.

SCHEDULES.

FIRST SCHEDULE. 15

Area of Supply.

The whole of the municipal burgh of Paisley as the same is constituted at
 the commencement of this Order.

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers may 20
be required to lay distributing mains within two years from the com-
mencement of this Order.

High Street.	
Wellmeadow Street.	
Old Smithhills Street.	25
Gauze Street.	
Abbey Close.	
St. Mirren Street.	
Causeyside Street (from St. Mirren Street to a line drawn in con-	
tinuation of the south side of Canal Street).	30
New Street.	
Moss Street.	
Love Street.	
St. James Street.	
Gilmour Street.	35
County Square.	
Old Sneddon Street.	

THIRD SCHEDULE.

A.D. 1891.

Paisley.

List of streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by the Order.

5	(a.) Streets :—	
	Abingdon Place	Greenlaw Mansion House Road
	Albert Street	Green Road
	Argyle Street	Highland Lane
	Arthur Street	Hannay Street
10	Barterholm Road	Kilncroft Lane
	Braids Road	King Street (Saucel)
	Brick Lane	Laighpark Road
	Bridge Lane	MacKean Street
	Brown Street	Macfarlane Street
15	South Campbell Street	Macfarlane Lane
	Camphill	M'Gowon Street
	Chapelhill	M'Kerrell Street
	Castlehead	Mary Street
	Calside	Murray Street (West End)
20	Cawthorn Court	Neil Street
	Chain Road	Neilson Street (South)
	Christie Lane	New Stock Street
	Clark Street	Oakshawhead
	Clavering Street	Orr Town (Mary Street)
25	Cochran Street	Paton Street
	Commercial Court	Pattison Street
	Craigielea Street	Philip Street
	Cumberland Court	Stanley Drive
	Dixon Street	Stevenson Street
30	Douglas Street	Stirling Street
	Duke Street	Thomas Street
	Dyers' Wind from Gilmour Street to River Cart	Thistle Street
	East Lane (Williamsburgh)	Union Street
35	Espedair Street (South)	Victoria Street
	Ferguslie West Lane	Victoria Place
	Galloway Street	Wellington Street
	Garthland Lane	Westmarch Street
	Goudie Street	Whitehead Street
40	Greenlaw Drive	William Street
	Greenlaw Avenue	Wilson Street
		West Lane (Williamsburgh)
	(b.) Railways.—None,	
	(c.) Tramways :—	
	The Paisley Tramways.	

A.D. 1891.

FOURTH SCHEDULE.

Paisley.

In this schedule the expression "unit" means the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

SECTION 1.

5

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

SECTION 2.

10

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say 15 such a constant pressure at these terminals as may be declared by the Undertakers under any regulations made under this Order.

Electric Lighting Provisional Orders (No.

A

B I L L

To confirm certain Provisional Orders
by the Board of Trade under the E
Lighting Acts, 1882 to 1890, relat
Edinburgh and Paisley.

*(Prepared and brought in by
Sir Michael Hicks Beach and Baron Henry De W*

*Ordered, by The House of Commons, to be Prin
4 May 1891.*

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[Bill 309.]

A

B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Hertford, Killarney, Kingston-upon-Thames, Liverpool, Toxteth Park, and Whitehaven. A.D. 1891.

WHEREAS, under the authority of the Electric Lighting Acts, 1882 and 1888, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed :

45 & 46 Vict.
c. 56.
51 & 52 Vict.
c. 12.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Acts is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Acts, as set out in the schedule to this Act annexed, be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Electric Lighting Orders Confirmation (No. 7) Act, 1891. Short title.

2. The several Orders, as set out in the schedule to this Act annexed, shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and effect. Confirmation of Orders.

A.D. 1891.

SCHEDULE.

LIST OF ORDERS.

1. HERTFORD.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Mayor, Aldermen, and Burgesses of the Borough of Hertford. 5
 2. KILLARNEY.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to Charles Edward Leahy, of Ballycarty, Tralee, in the county of Kerry.
 3. KINGSTON-UPON-THAMES.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Thames. 10
 4. LIVERPOOL.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Liverpool Electric Supply Company, Limited.
 5. TOXTETH PARK.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Liverpool Electric Supply Company, Limited. 15
 6. WHITEHAVEN.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Trustees of the Town and Harbour of Whitehaven. 20
-

HERTFORD ELECTRIC LIGHTING.

A.D. 1891.

Hertford.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 and 1888 to the Mayor Aldermen and Burgesses of the Borough of Hertford in respect of the Borough of Hertford in the County of Hertford and the Rural Sanitary District of the Hertford Union.

Preliminary.

1. This Order may be cited as the Hertford Electric Lighting Order 1891. Short title.

2. This Order is to be read and construed subject in all respects to the Interpretation.
 10 provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings
 15 provided that in this Order—

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882.

20 The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied.

The expression "main" shall mean any continuous electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Under-
 25 takers for the purposes of general supply.

The expression "service line" shall mean any continuous electric line through which energy may be supplied or intended to be supplied by the Undertakers to any particular consumer either from any main or directly from the premises of the Undertakers.

30 The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply.

The expression "general supply" shall mean the general supply of energy to ordinary consumers but shall not include the supply of energy to any
 35 one or more particular consumers under special agreement.

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order.

40 The expression "the rural authority" shall mean the rural sanitary authority for the district of the Hertford Union and the provisions of this Order referring to that authority shall apply only so far as they affect that part

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of the area of supply for which the rural authority are the local authority for the purposes of the principal Act.

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers.

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines.

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected.

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as hereinafter defined.

The expression "tramway" shall mean any tramway laid along any street.

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof.

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively.

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade.

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary.

Commence-
ment of
Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Description of the Undertakers.

Description of
Undertakers.

4. Subject to the provisions of this Order the Undertakers for the purposes of this Order shall be the mayor aldermen and burgesses of the borough of Hertford.

Provided that if the part of the undertaking within the rural sanitary district of the Hertford Union is at any time purchased by the rural authority that authority shall from the date of such purchase be the Undertakers in relation to that part in lieu of the Undertakers above described.

Area of Supply.

Area of supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red.

Nature and Mode of Supply.

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Systems and
mode of
supply.

6. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the principal Act provided as follows:—

- 5 (1) Such energy shall be supplied only by means of some system which shall be approved of in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for ensuring a proper and sufficient supply of energy as the Board of Trade may impose; and
- 10 (2) The Undertakers shall not without the express consent of the Board of Trade place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply; and
- 15 (3) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations and conditions as aforesaid unless such connection is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions (if any) of such approval.

20

Lands.

7. Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-
- 25 mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order. Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board
- 30 of Trade.

Purchase and
use of lands.

- Provided also that the Undertakers shall not except with the consent of the Local Government Board take for the purposes of this Order ten or more houses which after the passing of the Act confirming this Order have been or on the fifteenth day of December last were occupied either wholly or partially by
- 35 persons belonging to the labouring class as tenants or lodgers.

- For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and
- 40 persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Works.

A.D. 1891.

*Hertford.*Powers for
execution of
works.

8. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level. 5

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section 13 of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule. 10 15

Street boxes.

9. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connection with the supply of energy including apparatus for the proper ventilation of such boxes but no such box or apparatus shall be placed above ground without the borough of Hertford except with the consent of the rural authority. 20 25

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes. 30

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise. 35

The rural authority may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such of the said boxes as are within the district of that authority and the Undertakers shall not during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box except with the consent of the rural authority or in case of emergency. 40

10. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect :—

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Notice of
works with
plan to be
served on the
Postmaster-
General and
the rural
authority.

- 5 (a) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General and the rural authority describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge is to be interfered with and shall upon being required to do so by the Postmaster-General or the rural authority give him or them any such further information in relation thereto as he or they may desire.
- 10
- 15 (b) The Postmaster-General or the rural authority may in his or their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove of the same and may give notice of such approval or disapproval to the Undertakers.
- 20 (c) Where the Postmaster-General or the rural authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and may allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same.
- 25 (d) If the Postmaster-General or the rural authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them he or they shall be deemed to have approved such works or plan.
- 30 (e) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General and the rural authority or by the Board of Trade as above mentioned under this Order but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and of the principal Act.
- 35
- 40 (f) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the rural authority for any loss or damage which he or they may incur by reason thereof and in addition thereto they shall be liable
- 45

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Hertford.

to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 5

Where any street or public bridge is repairable by the county council or any highway authority the Undertakers shall serve a like notice and plan upon the county council or such highway authority and the foregoing provisions of this section shall apply to the county council and such authority in like manner as to the Postmaster-General and the rural authority. 10

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers works or their supply of energy. 15

As to streets
not repairable
by local au-
thority or
county council
railways tram-
ways and
canals.

11. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or the county council or any highway authority or over or under any railway or tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested :— 20

- (a) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal as the case may be (in this section referred to as the "owners") describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire. 25
- (b) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof. 30
- (c) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly. 35
- (d) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in 40

respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid interference with any traffic so far as may be possible.

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Hertford.

- (e) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure may cause the works specified in such notice and plan as aforesaid to be executed and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as hereinbefore mentioned or as may be agreed upon between the parties.
- (f) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works.
- (g) Where the repair renewal or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours' notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.
- (h) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

12. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire

Street
authority &c.
may give notice
of desire to
break up

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Hertford.
streets &c.
on behalf of
Undertakers.

to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served 5
Where any such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested:—

- (a) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge such powers or duties and] the givers of the notice have refused or neglected to comply with such requisition as hereinafter provided or in cases of 15
emergency;
- (b) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified 20
as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged;
- (c) Upon receipt of any such requisition as last aforesaid the givers of the 25
notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable;
- (d) If the givers of the notice decline or for twenty-four hours after the 30
time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the 35
givers of the notice;
- (e) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition 40
on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice;
- (f) If the Undertakers exercise or discharge any such specified powers 45
or duties as aforesaid otherwise than in accordance with the provisions

of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances;

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Hertford.

(g) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

13. The Undertakers may alter the position of any pipes (not forming part of any sewer of the rural authority) or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested—

As to alteration of pipes wires &c. under streets.

(a) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as "the operators" shall serve a notice upon the body or persons for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as "the owners" describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(b) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(c) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require

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the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible.

- (d) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as hereinbefore mentioned or as may be agreed upon between the parties. 5 10 15
- (e) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as hereinafter provided. 20
- (f) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made. 25
- (g) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable. 30
- (h) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them. 35
- (i) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily. 40
- (j) Any owners may if they think fit by any statement served by them under this section upon any operators not being a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as 45

above mentioned as may be determined in manner provided by this Order and where the said operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.

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Hertford.

- 5 (h) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur
10 by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case are of opinion that the case was one of emergency and that the
15 operators complied with the requirements of this section so far as was reasonable under the circumstances.

14. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer drain watercourse defence or work under the
20 jurisdiction or control of the rural authority or any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any [gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the
25 Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as the "operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to the rural authority or to such gas electric supply or water company or to the Undertakers (as the case may be) in this section
30 referred to as "the owners" not less than three days' notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe syphon electric line or work and
35 for securing access thereto and they shall also if required to do so by the owners thereof repair any damage that may be done thereto.

Laying of
electric lines
&c. near
gas or water
pipes or other
electric lines.

- Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion
40 provide a suitable and proper foundation for the same where so undermined.

- Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the
45 Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric

A.D. 1891. lines so as to come into contact with any such mains pipes lines or services
 Hertford. or except with the like consent employ any such mains pipes lines or services as
 conductors for the purpose of their supply of energy.

Any question or difference which may arise under this section shall be
 determined by arbitration. 5

If the operators make default in complying with any of the requirements or
 restrictions of this section they shall make full compensation to all owners
 affected thereby for any loss damage penalty or costs which they may incur
 by reason thereof and in addition thereto they shall be liable to a penalty not
 exceeding ten pounds for every such default and to a daily penalty not exceeding 10
 five pounds Provided that the operators shall not be subject to any such
 penalty if the court having cognizance of the case shall be of opinion that the
 case was one of emergency and that the operators complied with the require-
 ments and restrictions of this section so far as was reasonable under the cir-
 cumstances or that the default in question was due to the fact that the operators 15
 were ignorant of the position of the main pipe syphon electric line or work
 affected thereby and that such ignorance was not owing to any negligence on
 the part of the operators.

For the purposes of this section the expression "gas company" shall mean
 any body or person lawfully supplying gas the expression "water company" 20
 shall mean any body or person lawfully supplying water or water power and the
 expression "electric supply company" shall mean any body or person supplying
 energy under the principal Act but not under this Order.

For protection
 of railway and
 canal com-
 panies.

15. In the exercise of any of the powers of this Order relating to the execu-
 tion of works the Undertakers shall not in any way injure the railways tunnels 25
 arches works or conveniences belonging to any railway or canal company
 nor obstruct or interfere with the working of the traffic passing along any
 railway or canal.

For protection
 of telegraphic
 and telephonic
 wires.

16.—(1.) The Undertakers shall take all reasonable precautions in
 constructing laying down and placing their electric lines and other works of 30
 all descriptions and in working their undertaking so as not injuriously to
 affect whether by induction or otherwise the working of any wire or line from
 time to time used for the purpose of telegraphic telephonic or electric signalling
 communication or the currents in such wire or line whether such wire or line be
 or be not in existence at the time of the laying down or placing of such electric 35
 lines or other works If any question arises between the Undertakers and the
 owner of any such wire or line as to whether the Undertakers have constructed laid
 down or placed their electric lines or other works or worked their undertaking
 in contravention of this sub-section and as to whether the working of such
 wire or line or the current therein is or is not injuriously affected thereby such 40
 question shall be determined by arbitration and the arbitrator (unless he is of
 opinion that such wire or line not having been so in existence at such time as
 aforesaid has been placed in unreasonable proximity to the electric lines or
 works of the Undertakers may direct the Undertakers to make any alterations
 in or additions to their system so as to comply with the provisions of this 45

section and the Undertakers shall make such alterations or additions accordingly. A.D. 1891.

Hertford.

- (2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.
- If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

- (3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

- (4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

- 17.—(1.) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains

Mains &c. to be laid down in streets

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specified in
Second
Schedule
and in
remainder of
area of supply.

for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule and shall thereafter maintain the same.

(2.) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of or that necessitates the laying of any mains in any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority company or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

As to laying of
electric line
under special
agreement.

18. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer in the district of the rural authority and not for the purposes of general supply the Undertakers shall serve upon the rural authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid a notice stating that the Undertakers intend to lay such electric line and setting forth the effect of this section and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

If Undertakers
fail to lay down
mains &c.
Order may be
revoked.

19. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively the Board of Trade may revoke this Order as to the whole or (with the consent of the Undertakers) any part of the area of supply or if the Undertakers so desire may suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order.

Manner in
which re-
quisition is to
be made.

20. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a

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street may be made by six or more owners or occupiers of premises along such street or part of a street or where the rural authority has the control and management of the public lamps in such street or part of a street by the rural authority.

5 Every such requisition shall be signed by the persons making the same or on behalf of the rural authority (as the case may be) and shall be served upon the Undertakers.

Forms of requisitions shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises
10 within the area of supply and to the rural authority on application for the same and any requisition so supplied shall be deemed valid in point of form.

21. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by
15 whom the requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for the
20 supply of energy from the distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding
25 twenty per centum upon the expense of providing and erecting or laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the
30 persons signing the requisition has been effected or in the case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to
35 the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid)
40 within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry if any as they shall
45 think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers

A.D. 1891. by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or percentage whether calculated as hereinbefore provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly. In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade. 5

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If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration. 10

Provisions on requisition by rural authority.

22. Where any such requisition is made by the rural authority it shall not be binding on the Undertakers unless at the time when such service is effected or within fourteen days thereafter there be tendered to the Undertakers (if required by them) an agreement executed by the rural authority and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control. 15

Supply.

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

23. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following (that is to say) :— 20 25 30

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric line as may be laid for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier. 35

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence: and 40

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

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Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues.

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

24. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises. Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt.

Maximum
power.

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If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

Supply of
energy to
public lamps.

25. The Undertakers upon receiving reasonable notice from the rural authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order shall give and continue to give a supply of energy to such lamps in such quantities as the rural authority may from time to time require to be supplied.

Penalty for
failure to
supply.

26. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was otherwise excusable or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of
charging.

27. The Undertakers may charge for energy supplied by them from any distributing main to any ordinary consumer (otherwise than by agreement):—

- (1) By the actual quantity of energy so supplied; or
 - (2) By the electrical quantity contained in such supply; or
 - (3) By such other method as may for the time being be approved by the Board of Trade
- Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to

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that method of charge may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

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- 5 Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall by public advertisement give notice by what method they propose to charge for energy supplied through such main and where the Undertakers have given any such
- 10 notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to every consumer who is supplied by them from such main.

28. The price to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in
- 15 the first and second sections thereof respectively or in the case of a method of charge approved of by the Board of Trade such price as the Board shall on approving such method determine.

Maximum prices.

29. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to
- 20 some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

Other charges by agreement.

30. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps without the borough of Hertford and the
- 25 mode in which such charges shall be ascertained shall be settled by agreement between the rural authority and the Undertakers and in case of difference by arbitration regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose and the prices charged to ordinary consumers in the district.

Price to public lamps.

30 *Electric Inspectors.*

31. The Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

Appointment of electric inspectors.

The duties of an electric inspector under this Order shall be as follows:—

- 35 (a) The inspection and testing periodically and in special cases of the Undertakers' electric lines and works and the supply of energy given by them.
- (b) The certifying and examination of meters and
- (c) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this
- 40 Order.

The Board of Trade may prescribe the fees to be taken by an electric inspector and the manner in which and the times at which his duties are to be performed.

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Remuneration
of electric
inspector.

32. The Undertakers shall pay to every electric inspector appointed under this Order such reasonable remuneration (if any) as may be determined by the Board of Trade and such remuneration may be in addition to or in substitution for any fees which are directed to be paid to electric inspectors for services rendered by them under this Order or any regulations of the Board of Trade made in pursuance of this Order as may be settled by such Board and where any such remuneration is settled to be in substitution for fees any fees payable by any party other than the Undertakers shall in lieu of being paid to such electric inspector for his own use be due and paid to him on behalf and for the use of the Undertakers and shall be carried by them to the credit of the local rate.

Inquiry by
Board of
Trade.

33. The Board of Trade may if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

Testing and Inspection.

Testing of
mains.

34. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains. Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of
works and
supply on
consumer's
premises.

35. An electric inspector if and when required to do so by any consumer shall on payment by such consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

36. A court of summary jurisdiction may upon the application of any ten consumers or the rural authority direct the Undertakers at their own cost to establish at such places within a reasonable distance from a distributing main and keep in proper condition such reasonable number of testing stations as the
- 5 court shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and thereupon the Undertakers shall establish such testing places and provide thereat such proper and suitable instruments of a pattern to be approved by the Board of Trade as the court may direct and they shall connect such stations by means of proper and sufficient electric lines
- 10 with such mains and supply energy thereto for the purpose of such testing.
37. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take record and keep recorded such observations as
- 15 the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence.
38. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed
- 20 under this Order may examine and record the readings of such instruments and any readings so recorded shall be receivable in evidence.
39. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the
- 25 Undertakers and ascertaining if the same are in order and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.
40. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments
- 30 of the Undertakers by any electric inspector be represented by some officer or other agent but such officer or agent shall not interfere with the testing or inspection.
41. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspections of
- 35 instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.
42. Every electric inspector shall on the day immediately following that
- 40 on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the Board of Trade or consumer (as the case may be) by whom he was required to make such testing and also to the Undertakers and such report shall be receivable in evidence.

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Undertakers
to establish
testing stations.

Undertakers to
keep instru-
ments on their
premises.

Readings of
instruments to
be taken.

Electric
inspector
may test
instruments
and lines of
Undertakers.

Representa-
tion of Un-
dertakers at
testings.

Undertakers
to give
facilities for
testing.

Report of
results of
testing.

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Expenses of electric inspector.

43. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by the Board of Trade and shall be paid by the Undertakers and may be recovered summarily as a civil debt.

Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the Board of Trade having regard to such report or decision shall direct and may be recovered summarily as a civil debt.

15

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court may direct.

Meters.

Meters to be used except by agreement.

44. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

25

Meter to be certified.

45. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter" Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

30

Inspector to certify meters.

46. Every electric inspector on being required to do so by the Undertakers or by any such consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

35

Undertakers to supply meters if required to do so.

47. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect

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the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises and execute all necessary works and do all necessary acts.

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5 Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as hereinafter provided.

10 48. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do and if any person acts
15 in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Meters not to be connected or disconnected without notice.

49. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply of energy is to be ascertained in proper order for correctly registering such value and in default of his so doing
20 the Undertakers may cease to supply energy through such meter.

Consumer to keep his meter in proper order.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified
25 where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers.

50. The Undertakers may let for hire any meter for ascertaining the value
30 of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be
35 recoverable by the Undertakers summarily as a civil debt.

Power to the Undertakers to let meters.

51. The Undertakers shall (unless the agreement of hire otherwise provides) at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing the consumer
40 shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times Provided that the expense of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary
45 shall be paid by the Undertakers.

Undertakers to keep meters let for hire in repair.

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Difference
as to correct-
ness of meter
to be settled
by inspector.

52. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be deter- 5
mined upon the application of either party by an electric inspector who shall order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply. 10

Undertakers to
pay expenses
of providing
new meters
where method
of charge
altered.

53. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Under- 15
takers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers
may place
meters to
measure supply
or to check
measurement
thereof.

54. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place 20
upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply. Provided that such meter or apparatus shall 25
be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals. 30

Maps.

Map of area of
supply to be
made and
deposited.

55. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street 35
boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also if so required by the Board of Trade or the Postmaster General cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be on such 40
scale or scales as the Board of Trade shall prescribe.

Every map and section so made or corrected for the Undertakers or a copy thereof with the date expressed thereon of the last time when it was so corrected shall be kept by the Undertakers at their principal office within the area of supply

and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and

5 such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

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Hertford.

The Undertakers shall if so required by the Board of Trade or the Postmaster General or the rural authority supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree

10 with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two

15 pounds.

Application of Moneys received.

56. All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money (b) money arising from the disposal of lands acquired for the purposes of this Order and (c) money not of the nature of rent received

20 by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

Application of
revenue.

(1) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any

25 proceedings by or against the Undertakers their officers or servants in relation to the undertaking.

(2) In payment of the interest or dividend or any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes.

30 (3) In providing any instalment or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.

(4) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital.

35 (5) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one

40 tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at

45 any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

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The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or some part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys 5 borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said 10 maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the Undertakers.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate. 15

Application
of capital
moneys.

57. All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows :— 20

(1) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Notices &c.

25

Notices &c.
may be printed
or written.

58. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the Undertakers or the rural authority the signature thereof by their clerk or surveyor shall be sufficient authentication. 30

Service of
notices &c.

59. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively :—

(a) In the case of the Board of Trade the office of the Board of Trade. 35

(b) In the case of the Postmaster-General the General Post Office.

(c) In the case of the county council the office of such council.

(d) In the case of any local or highway authority the office of such authority.

(e) In the case of any company having a registered office the registered office of such company. 40

(f) In the case of a company having an office or offices but no registered office the principal office of such company.

(g) In the case of any other person the usual or last known place of abode of such person. A.D. 1891.
Hertford.

A notice order or document by this order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time that is to say Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

20 *Revocation of Order.*

60. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made default in executing works or supplying energy in accordance with the provisions of this Order the Board of Trade after such inquiry as they may think necessary may revoke this Order as to the whole or (with the consent of the Undertakers) part of the area of supply upon such terms as to the Board of Trade may seem just. Revocation
where works
not executed.

61. In addition to any powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers upon such terms as the Board of Trade may think just. Revocation
of Order with
consent.

62. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply under any of the provisions of this Order the following provisions shall have effect:— Provisions
where Order
revoked.

(a) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the rural authority and shall in such notice fix a date at which such revocation shall take effect and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine.

(b) Within two months after the service of such notice by the Board of Trade upon the rural authority that authority if they think fit may by notice in writing require the Undertakers to sell and thereupon the Undertakers shall sell to them so much of the undertaking or such part

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thereof as aforesaid as is within the district of the rural authority upon terms of paying the then value of all land buildings works materials and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid such value being agreed or estimated in manner directed by the Electric Lighting Act 1888 in the case of purchases effected by the rural authority under section 2 of that Act. 5

(c) Where any purchase is so effected the part of the undertaking so purchased shall vest in the rural authority freed from any debts mortgages or similar obligations of the Undertakers or attaching to the undertaking and the revocation of this Order as to the whole of the area of supply or such part thereof as aforesaid shall so far as respects that part extend only to the revocation of the rights powers authorities duties and obligations of the Undertakers in relation to the supply of energy within such part and save as aforesaid this Order shall remain in full force within such part in favour of the rural authority. 10 15

(d) On the revocation taking effect in the borough of Hertford and (if no purchase is effected by the rural authority) in the remainder of the area of supply any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed may (subject however to any agreement between such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care and the Undertakers shall pay to such body or person such reasonable costs of the removal and of the reinstatement of the street or part of a street as may be specified in a notice to be served on the Undertakers by such body or person or (if so required by the Undertakers within one week after the service of such notice upon them) as may be settled by arbitration. 20 25

(e) If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator as the case may be such body or person as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers. 30 35 40

Transfer of Powers &c.

Transfer of
 powers &c.

63.—(1) At any time after the commencement of this Order the Undertakers may with the consent of the Board of Trade (given after consideration of any representation which the rural authority may make) by deed to be approved by the Board of Trade transfer their powers duties liabilities and works to any company or person subject to such exceptions and modifications (if any) 45

and for such period and upon such terms as may be specified therein and either as to the whole or any part or parts of the area of supply and during the said period but subject to the provisions of this Order such company or person shall to the extent of the powers duties and liabilities so transferred be the

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Hertford.

5 Undertakers for the purposes of this Order.

(2) One month at least before any draft deed is submitted to the Board of Trade for their approval under this section notice of the intention to make such transfer shall be published by the Undertakers by advertisement and a copy of the said draft deed shall be deposited for public inspection during office
10 hours at the principal office of the Undertakers within the area of supply and printed copies thereof shall be supplied to every person demanding the same at a price not exceeding sixpence for each copy.

(3) Every such advertisement shall contain the following particulars :

- 15 (a) The area in respect of which the transfer is proposed to be made ;
- (b) The period for which the transfer is proposed to be made ;
- (c) The rent or other pecuniary consideration in respect of the transfer ;
- (d) A general description of the powers duties or liabilities of the Undertakers proposed to be excepted or modified and of the terms upon which the transfer is proposed to be made ; and
- 20 (e) The address of the office at which the copy of the said draft deed is deposited for public inspection and at which printed copies of the same are on sale.

And such advertisement shall be inserted once at least in each of two successive weeks in one and the same newspaper circulating within the area
25 of supply and once at least in the London Gazette.

(4) The Undertakers may with the consent of the Board of Trade (given after consideration of any representations which the rural authority may make) by deed to be approved in like manner renew or continue any such transfer for such period and subject to such variations or modifications (if any) as may be
30 specified therein and the above provisions as to advertisements and particulars shall apply to such matters as are hereby required to be specified in such last-mentioned deed.

(5) Where in relation to any powers duties or liabilities so transferred such company or person have in the opinion of the Board of Trade been
35 guilty of any act or default in respect of which the Board of Trade are empowered to revoke this Order the Board of Trade if they think fit in lieu of revoking this Order may by order permit the Undertakers to resume the undertaking as from such day as may be fixed by the order and from and after the said day the powers duties and liabilities of the said company or
40 persons as Undertakers shall cease and determine but without prejudice to anything done or suffered during the period of transfer.

(6) Any questions arising between the Undertakers and the said company or persons respecting the resumption of the undertaking by the Undertakers shall be determined on the application of either party by the Board of Trade regard
45 being had to the deed of transfer so far as applicable and the decision of the Board of Trade shall be final and conclusive.

A.D. 1891. (7) As soon as practicable after any such deed is approved by the Board of
 Hertford. Trade printed copies thereof shall be kept by the Undertakers for public
 inspection at their principal office within the area of supply and supplied to any
 person demanding the same at a price not exceeding sixpence for each copy
 and in case of any default herein the Undertakers shall be liable to a penalty 5
 not exceeding five pounds and to a daily penalty not exceeding five pounds.

(8) Nothing in this section shall affect any powers duties or liabilities of the
 Undertakers which shall not be transferred by any such deed and the Under-
 takers shall continue to have and be subject to such powers duties and liabilities
 if any. 10

General.

Remedying of
 system and
 works.

64. If at any time it is represented to the Board of Trade (a) that the
 Undertakers are supplying energy otherwise than by means of a system which
 has been approved by the Board of Trade or have permitted any part of their
 circuits to be connected with earth or have placed any electric line above ground in 15
 contravention of this Order or (b) that any electric lines or works of the Under-
 takers are defective so as not to be in accordance with the provisions of this Order
 or the regulations and conditions subject to which the Undertakers are for the
 time being authorised to supply energy under this Order or (c) that any work of
 the Undertakers or their supply of energy is attended with danger to the public 20
 safety or injuriously affects any telegraphic line of the Postmaster-General the
 Board of Trade may by order in writing make such requirements as to them may
 seem meet in the circumstances and direct the Undertakers to take such
 measures as may be necessary so as to comply with such order within such
 period as may be therein limited in that behalf and if the Undertakers make 25
 default in complying with such order within the time so limited they shall be
 liable to a penalty not exceeding twenty pounds for every day during which
 such default continues.

The Board of Trade may also if they think fit by the same or any other order
 made upon any such representation as aforesaid forbid the use of any electric line 30
 or work as from such date as may be specified in that behalf until the order is
 complied with or for such time as may be so specified and if the Undertakers
 make use of any such electric line or work while the use thereof is so forbidden
 they shall be liable to a penalty not exceeding one hundred pounds for every
 day during which such user continues. 35

Where the Undertakers are supplying energy otherwise than by means of a
 system which has been approved by the Board of Trade and fail to comply with
 any order made under this section in respect thereof within the time therein
 limited in that behalf the Board of Trade may if they think fit revoke this
 Order on such terms as they may think just. 40

Publication of
 regulations.

65. All regulations and conditions made by the Board of Trade under this
 Order or the principal Act affecting the undertaking and for the time being
 in force shall within one month after the same as made or last altered have
 come into force be printed at the expense of the Undertakers and a true copy

thereof certified by or on behalf of the Undertakers shall be forthwith served upon the rural authority and like copies shall be kept by the Undertakers at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

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- 5 If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

66. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Nature and amount of security.

67. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or an assistant secretary of the Board.

Proceedings of Board of Trade.

- All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the act so certified.

68. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit All costs and expenses of or incident to any application for any approval consent or order of the Board of Trade including the cost of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

As to approval or consent of Board of Trade.

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Notice of
consent or
approval of
Board of
Trade &c.
to be given by
advertisement.

Recovery and
application of
penalties.

Undertakers
to be respon-
sible for all
damages.

Incorporation
of sections 264
and 265 of
Public Health
Act, 1875.

Saving clause
for Postmaster-
General.

Undertakers
not exempted
from pro-
ceedings for
nuisance.

Provision as to
general Acts.

69. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or revoke this Order as to the whole or any part of the area notice that such consent or approval has been given or such extension of time granted or such consent or revocation made shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the Undertakers. 5

70. All penalties fees expenses and other moneys recoverable under this Order or any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts Any such penalty recovered on prosecution by any body or person or any part thereof may if the court shall so direct be paid to such body or person. 10

71. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries. 15 20

72. The provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act 1875 shall be incorporated with this Order and for the purposes of this Order in the construction of the said provisions "this Act" means this Order and the principal Act and the "local authority" means the Undertakers. 25

73. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1885 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts. 30

74. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them.

75. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefit of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order. 35

SCHEDULES.

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Hertford.

FIRST SCHEDULE.

Area of Supply.

5 The whole of the municipal borough of Hertford as constituted at the commencement of this Order.

Together with so much of the parishes of Bengoe St. Andrew Hertingfordbury the liberties of Brickendon and Little Amwell and the parish of St. John as lies between the boundary of the municipal borough of Hertford and the following boundary viz. :—

Parish of Bengoe.

10 Commencing at the junction of the eastern boundary of the parish of Bengoe with the boundary of the municipal borough of Hertford in the centre of the River Rib thence following the boundary between the parishes of Bengoe and Ware in the centre of the said river northwards to a point where a fence at the
15 side of the roadway connected with the new road in the parish of Bengoe runs down to the river thence following the north side of the said road and the east side of a road branching therefrom to the northern extremity of the latter road thence following fences in a northerly and westerly direction respectively as shown on the deposited map to the hedge on the western side of a road called
20 Wade's Mill Lane thence following the said hedge at the side of the road in a southerly direction for a distance of about 183 yards thence turning in a westerly direction and following the line of a fence to a road called Sacombe Road thence in a westerly direction along the fence on the south side of the roadway leading to Great Molewood thence in a southerly direction along the
25 fence on the east side of the said wood thence following the fence running in a southerly direction to a point near the northern extremity of Little Molewood thence in a westerly direction following the line of a fence at the side of a footpath to Molewood Mill thence along the centre of the mill race to the junction of the same with the River Beane thence following the centre of the said river
30 to the junction of the boundaries of the parishes of Bengoe Bramfield and St. Andrew.

Parish of St. Andrew.

35 Commencing at the last-mentioned point and following a fence in a southerly direction to the road called North Road thence following the fence on the west side of such road to its junction with Bramfield Road thence in a westerly direction along the fence on the north side of the Bramfield Road to a point where the boundary between the parishes of Bramfield and

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St. Andrew crosses the said road thence following the said boundary in a westerly direction to a point where it crosses Thieves' Lane thence following the fence on the east side of Thieves' Lane to its junction with Tewin Road thence in a southerly direction following the fence on the west side of Thieves' Lane until its junction with the Hertingfordbury Road thence in a southerly 5 direction following a fence to the east of the Hertingfordbury Road until it strikes a watercourse or ditch thence in a westerly direction following the said watercourse or ditch until it joins a stream flowing into the River Mimram thence following a line of fence in a southerly direction until it strikes the boundary dividing the parishes of St. Andrew and Hertingfordbury. 10

Parish of Hertingfordbury.

From the point last named in a southerly direction along the line of fence until it strikes the River Mimram thence in a southerly and westerly direction along the eastern and southern boundary of a plantation called Chisel Shelf thence in a southerly direction along a line of fence until the same strikes the 15 Hertingfordbury Road opposite a roadway leading to a house called "The Bury" thence in a southerly direction along the eastern fence of the said roadway and along the fences to the south thereof as shown upon the deposited map until it strikes the fence on the north side of the Great Northern Railway line thence in an easterly direction along the said railway fence until the 20 railway intersects the roadway leading from Hertingfordbury to the Bayford Road thence in a southerly direction along a fence on the western side of the said roadway until it strikes the River Lee thence in an easterly direction following the boundary line in the centre of the River Lee between the parishes of Hertingfordbury and Bayford as far as the junction of the mill stream 25 connected with the Horns Mill with the River Lee.

Liberty of Brickendon.

From the point last mentioned across the Bayford Road to the fence on the south side thereof and following the same in an easterly direction until the junction of Brickendon Lane with Bayford Road thence in a southerly direction 30 along the fence on the west side of Brickendon Lane as far as a footpath joining the said lane thence in an easterly direction along the said footpath to a road called Morgan's Walk thence in an easterly direction along fences as shown upon the deposited map to Mangrove Lane thence in a southerly direction along the fence on the western side of the said lane for a distance of about 35 134 yards thence in an easterly direction along a fence in Ball's Park until it strikes the boundary between the parishes of All Saints and Saint John.

Parish of Saint John.

From the point last mentioned in an easterly and northerly direction along fences in Ball's Park as shown on the deposited map to a point on the London 40 road thence in a westerly direction along the fence on the northern side of the London road for a distance of about 367 yards to where a stream passes under

the said road thence in a northerly direction along the said stream or water course to a point in a roadway called Gallows Hill thence in an easterly direction along the fence on the southern side of the said roadway for a distance of about 317 yards thence in an easterly direction as shown upon the deposited map to the boundary between the parish of Saint John and the township of Little Amwell.

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Little Amwell.

From the last-mentioned point in an easterly direction along fences as shown on the deposited map to a point where the boundary of the proposed district joins the boundary of the municipal borough of Hertford in the Ware Road.

Provided that in case of difference between the above description and the area delineated upon the deposited map the latter shall prevail.

SECOND SCHEDULE.

List of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order.

Fore Street	Market Place
Honey Lane	Mill Bridge
Maidenhead Street	The Wash

THIRD SCHEDULE.

List of streets and roads not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

(a) Streets:

- (1) Within the municipal borough of Hertford: Hagsdell Road Bayley Hall Road or Queen's Road Petts' Alley Tamworth Street Raynham Street Currie Road Talbot Road Railway Place Davies Street part of Railway Street near the old station of the Great Eastern Railway Company Mead Lane from Dicker Mill Road to Gas House Lane part of Gas House Lane (north end) St. John's Place Diamond Yard Dolphin Yard Maidenhead Yard Mill Bridge Thornton Street Old Hall Street Frampton Street Riverside The Folly Hartham Lane (north end) roadway in front of the Great Northern Railway Station Port Hill (part of) Wellington Street Balfour Street (from Port Vale for a distance of about 100 yards).
- (2) Within the portion of the parish of Bengoe outside the said municipal borough: Molewood Road Church Road Fanshaw Street Wellington

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Street Nelson Street Duncombe Road road leading from Duncombe Road to Burgess Street Tower Street The Warren Warren Park Warren Road Trinity Grove.

(3) Within the portion of the liberty of Brickendon outside the said municipal borough: Queen's Road Highfield Road Morgan's Walk 5 Morgan's Road.

(b) Railways:
None.

(c) Tramways:
None.

10

FOURTH SCHEDULE.

In this schedule the expression "unit" shall mean the energy contained in a current of 1,000 ampères flowing under an electro-motive force of one volt during one hour.

Section 1.

15

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter: For any amount up to 20 units thirteen shillings and fourpence and for each unit over 20 units eightpence.

Section 2.

20

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a 25 constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

KILLARNEY ELECTRIC LIGHTING.

A.D. 1891.

Killarney.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to Charles Edward Leahy, of Ballycarty, Tralee, in the County of Kerry, in respect of the
 5 *Urban Sanitary District of Killarney, in the County of Kerry.*

Preliminary.

1. This Order may be cited as the Killarney Electric Lighting Order, 1891. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or
 10 parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act"; and the several words, terms, and expressions to which by the principal Act meanings are assigned, shall have in this Order the same respective meanings, provided that
 in this Order— Interpretation.

15 The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882 :

The expression "power" shall mean electrical power or rate per unit of time
 20 at which energy is supplied :

The expression "main" shall mean any electric line which may be laid down by the Undertakers in or over any street or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply :

25 The expression "Undertakers" shall mean the Undertaker to whom this Order is granted, his executors, administrators, and assigns; and, in case of any purchase of the undertaking under the principal Act, the local authority :

The expression "daily penalty" shall mean a penalty for each day on which
 30 any offence is continued after conviction thereof.

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers :

35 The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply :

The expression "general supply" shall mean the general supply of energy to ordinary consumers, and, unless otherwise specially agreed with the local
 40 authority, to the public lamps, but shall not include the supply of energy to any one or more particular consumers under special agreement :

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The expression "area of supply" shall mean the area with which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order :

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertaker : 5

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines :

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General, shall have the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected : 10

The expression "railway" shall include any tramroad, that is to say, any tramway other than a tramway as herein-after defined : 15

The expression "tramway" shall mean any tramway laid along any street :

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof :

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule," shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively : 20

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade :

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and, where possible, a section drawn to the same horizontal scale as the plan, and to a vertical scale of at least one inch to eleven feet, with such detail plan and sections as may be necessary. 25

Commence-
ment of
Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to "as the commencement of this Order." 30

Address and Description of the Undertaker.

Address and
description
of Under-
takers.

4. The Undertaker to whom this Order is granted is Charles Edward Leahy, of Ballycarthy, Tralee, in the county of Kerry, Esquire, having his offices at College Street, Killarney, in said county. 35

The Undertaker shall not purchase or acquire the undertaking of or associate himself with any company or person supplying energy under any license, Provisional Order, or special Act unless he is authorised by Parliament to do so. 40

If in contravention of this section the Undertaker purchases or acquires any such undertaking, or associates himself with any such company or person, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think just.

So long as the Undertaker, his executors, administrators or assigns, are the Undertakers for the purposes of this Order, the undertaking and every interest therein shall be personal estate, and shall be transmissible as such and shall not be considered to be of the nature of or treated as real estate.

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Area of Supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured blue.

Area of supply.

10 6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply, otherwise than under the authority of Parliament, or under a license granted by the Board of Trade.

Prohibition of supply beyond area of supply.

15 If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

Security for execution of works.

25 The Undertakers shall also, within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of two hundred and fifty pounds.

30 If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned, or fail to deposit or secure such sum as aforesaid, the Board of Trade may, after considering any representations which the local authority may make, revoke this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply, upon such terms as they may think just.

35 The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector, to be appointed by the Board of Trade, that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, or

A.D. 1891. at such earlier dates and by such instalments as may be approved by the Board of Trade.

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Separate
accounts to
be kept of
undertaking.

8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business. 5

Audit of
Undertakers'
accounts.

9. The annual statement of accounts of the undertaking, before being published as provided by section nine of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the Board of Trade shall appoint, and the remuneration of the auditor shall be such as the Board of Trade shall direct, and the same and all expenses incurred by him in or about the execution of his duties, to such an amount as the Board of Trade shall approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily. 10 15

The Undertakers shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit, and shall, when required, furnish to him and them all vouchers and information requisite for such purpose, and shall afford to him and them all facilities for the proper execution of his and their duty. 20

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted, or otherwise, for the purpose of giving effect to the provisions of this section. 25

Any report made by the auditor, or such portion thereof as the Board of Trade shall direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section nine.

Nature and Mode of Supply.

Systems and
mode of
supply.

10. Subject to the provisions of this Order and the principal Act, the Undertakers may supply energy within the area of supply for all public and private purposes, as defined by the said Act, provided as follows:— 30

- (1.) Such energy shall be supplied only by means of some system which shall be approved of by the Board of Trade, and subject to such regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and 35
- (2.) The Undertakers shall not, without the express consent of the local authority and of the Board of Trade, place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply; and 40
- (3.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the

provisions of any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval.

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Works.

11. Subject to the provisions of this Order and the principal Act, the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets, not repairable by the local authority, and such railways or tramways (if any) as are specified in the Third Schedule, so far as such streets, railways, and tramways may for the time being be included in the area of supply, and be, or be upon, land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.
- 15 Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway, except such streets, railways, or tramways (if any), or such parts thereof, as are specified in the said schedule, without the consent of the authority, company or person by whom such street, railway, or tramway is repairable, or the Board of Trade under section thirteen of the Electric Lighting Act, 1882, and where the Board of Trade give such consent the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates as if it had been specified in the said schedule.

Powers for
executing of
works.

12. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of such boxes: Provided that no such box or apparatus shall be placed above ground, except with the consent of the local authority, or other authority by whom such street is repairable.

Street boxes.

- Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Board of Trade may otherwise order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing, or controlling the supply of energy, or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking; and the Undertakers may place therein meters, switches, and any other suitable and proper apparatus for any of the above purposes.
- Every such box, including the upper surface or covering thereof, shall be constructed of such materials, and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger, whether by reason of inequality of surface or otherwise.

- The local authority may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such boxes, and

A.D. 1891. if the Undertakers, during any hours not so prescribed, remove or displace or
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the consent of the local authority they shall be liable to a penalty not exceeding
five pounds for every such offence, and to a daily penalty of five pounds: Pro-
vided that the Undertakers shall not be subject to any such penalties as afore- 5
said if the court having cognizance of the case shall be of opinion that the case
was one of emergency, and that the Undertakers complied with the requirements
of this section so far as was reasonable under the circumstances.

Notice of
works, with
plan, to be
served on the
Postmaster-
General and
local authority.

13. Where the exercise of any of the powers of the Undertakers in relation
to the execution of any works (including the construction of boxes) will involve 10
the placing of any works in, under, along, over, or across any street or public
bridge, the following provisions shall have effect:—

- (a.) One month before commencing the execution of such works (not being
the repairs, renewals, or amendments of existing works of which the
character and position are not altered), the Undertakers shall serve a 15
notice upon the Postmaster-General and the local authority describing the
proposed works, together with a plan of the works showing the mode and
position in which such works are intended to be executed, and the manner
in which it is intended that such street or bridge, or any sewer, drain,
or tunnel therein or thereunder, is to be interfered with, and shall, 20
upon being required to do so by the Postmaster-General or the local
authority give him or them any such further information in relation
thereto as he or they may desire. In calculating the above-mentioned
period of one month, no part of the month of August shall be included.
- (b.) The Postmaster-General or the local authority may in his or their dis- 25
cretion approve of any such works or plan, subject to such amendments or
conditions as may seem fit, or may disapprove the same, and may give notice
of such approval or disapproval to the Undertakers.
- (c.) Where the Postmaster-General or the local authority approve any such
works or plan subject to any amendments or conditions with which the 30
Undertakers are dissatisfied, or disapprove of any such works or plan, the
Undertakers may appeal to the Board of Trade, and the Board of Trade
may inquire into the matter, and allow or disallow such appeal, and approve
any such works or plan, subject to such amendments or conditions as may
seem fit, or may disapprove the same. 35
- (d.) If the Postmaster-General or the local authority fail to give any such
notice of approval or disapproval to the Undertakers within one month
after the service of the notice upon them, he or they shall be deemed to
have approved such works and plan.
- (e.) Notwithstanding anything in this Order or the principal Act, the 40
Undertakers shall not be entitled to execute any such works as above
specified, except so far as the same may be of a description and in
accordance with a plan which has been approved, or is to be deemed to have
been approved by the Postmaster-General and the local authority, or by
the Board of Trade, as above mentioned; but where any such works, 45

description, and plan are so approved or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of the principal Act.

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- 5 (f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they
10 may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds : Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency,
15 and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law, in the event of any telegraphic line of the Postmaster-General being at any time
20 injuriously affected by the Undertakers' works or their supply of energy.

14. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, over, or across any street or part of a street not repairable by the local authority, or over or under any railway, tramway, or canal, the following provisions shall
25 have effect, unless otherwise agreed between the parties interested :—

As to streets not repairable by local authority, railways, tramways, and canals.

- (a.) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person
30 liable to repair such street or part of street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the "owners," describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended
35 to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.
- (b.) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given to the provisions thereof.
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- (c.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or
45 to compensation in respect thereof, and any other question arising upon

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such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.

- (d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway, or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible. 5
- (e.) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as hereinbefore mentioned, or as may be agreed upon between the parties. 10 15 20
- (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works.
- (g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to the owners not less than 24 hours' notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act. 25 30 35
- (h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and 40 45

that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

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15. Any body or person for the time being liable to repair any street or part of a street, or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order, may, if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, tunnels, or other works vested in or under the control or management of such body or person, and may amend or revoke any such notice by another notice similarly served. Where any such body or person as aforesaid (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested:—

Street authority, &c., may give notice of desire to break up streets, &c., on behalf of Undertakers.

(a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency.

(b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.

(c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.

(d.) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.

(e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any

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defect from which the emergency arises without serving any requisition on the givers of the notice ; but in such case the Undertakers shall, within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice.

(f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

(g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers, and may be recovered summarily.

(h.) The givers of the notice may if they think fit, require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up, filling in, reinstating, or making good any such street or part of a street, or any such bridges, sewers, drains, tunnels, or other works, or railway or tramway as in this section mentioned.

As to alteration of pipes, wires, &c., under streets.

16. The Undertakers may alter the position of any pipes (not forming part of any sewer of the local authority), or any wires being under any street or place authorised to be broken up by them, which may interfere with the exercise of their powers under the principal Act or this Order ; and any body or person may in like manner alter the position of any electric lines or works of the Undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested :—

(a.) One month before commencing any such alterations the Undertakers, or such body or person (as the case may be), in this section referred to as

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“the operators,” shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the case may be), in this section referred to as “the owners,” describing the proposed alteration, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

(b.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof, or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.

(c.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works, so as to avoid interference with any purpose for which such pipes, wires, electric lines, or works are used so far as may be possible.

(d.) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or secure, may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

(e.) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such notification as herein-after provided.

(f.) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.

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(g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable. 5

(h.) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations, in like manner as they might have done if no such statement as aforesaid had been served upon them. 10

(i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators, and may be recovered summarily. 15

(j.) Any owners may, if they think fit, by any statement served by them under this section, upon any operators not being a local authority, require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given. 20

(k.) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances. 25 30

Laying of
 electric lines,
 &c., near
 sewers, &c. or
 gas or water
 pipes, or other
 electric lines.

17. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the local authority, or any main, pipe, syphon, electric line, or other work belonging to any gas, electric supply, or water company has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or such gas or water company (as the case may be) in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the local authority, or to such gas, electric supply, 35 40 45

or water company, or to the Undertakers (as the case may be) in this section referred to as the "owners," not less than three days notice before commencing to dig or sink such trench as aforesaid, and such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

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- 5 form with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.
- 10 Where the operators find it necessary to undermine but not alter the position of any pipe, electric line, or work, they shall temporarily support the same in position during the execution of their works, and before completion provide a suitable and proper foundation for the same where so undermined.

- Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains, pipes, lines, or services belonging to any gas, electric supply, or water company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade; and the Undertakers shall not, except with the consent of the gas, electric supply, or water company, as the case may be, and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, lines, or services, or except with the like consent, employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.
- 20

Any question or difference which may arise under this section shall be determined by arbitration.

- 25 If the operators make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof; and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.
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- For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas; the expression "water company" shall mean any body or person lawfully supplying water or water power; and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this Order.
- 40

18. In the exercise of any of the powers of this Order relating to the execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works, or conveniences belonging to any railway or canal company, nor
- 45

For protection
of railway and
canal com-
panies.

A.D. 1891. obstruct or interfere with the working of the traffic passing along railway or canal.

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For protection
of telegraphic
and telephonic
wires.

19.—(1.) The Undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect, 5 whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers 10 and the owner of any such wire or line as to whether the Undertakers have constructed, laid down, or placed their electric lines or other works, or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby, such question shall be determined by arbitration; and the 15 arbitrator (unless he is of opinion that such wire or line, not having been so in existence at such time as aforesaid, has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in, or additions to, their system as to comply with the provisions of this section, and the Undertakers shall make such alterations or 20 additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line, or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the 25 Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line, notice in writing specifying the course, nature, and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth 30 returns are proposed to be used; and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing, or user of such electric line, for the purpose of preventing such injurious affection; and the Undertakers shall conform with such reasonable 35 requirements as may be made by such body or person as aforesaid for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made, such difference 40 shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the 45 requirements of this section, they shall make full compensation to every

such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

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15

Compulsory Works.

20.—(1.) The Undertakers shall, within a period of two years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purpose of general supply throughout every street or part of a street specified in that behalf in the Second Schedule, and shall thereafter maintain the same.

Mains, &c., to be laid down in streets specified in Second Schedule, and in remainder of area of supply.

(2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, company, or person by whom such street is repairable, consent to the breaking up thereof), forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act, 1882, for the written consent of the Board, authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

21. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer, and not for the purposes of general supply, the Undertakers shall serve upon the local authority, and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and

As to laying of electric line under special agreement.

A.D. 1891. termination of the electric line so to be laid a notice stating that the Undertakers intend to lay such electric line, and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order, that a supply shall be given to their premises, the necessary distributing main shall be laid by the Undertakers at the same time 5 as the electric line intended for such particular consumer.

If Undertakers fail to lay down mains, &c., Order may be revoked.

22. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may, after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, or, if the Undertakers so desire, may, after having given an opportunity to the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof, subject to such conditions as they may think fit to impose, and any conditions so imposed shall be binding on and observed by the Undertakers, and shall be of the like force and effect in every respect as though they were contained in this Order. 10 15 20

Manner in which requisition is to be made.

23. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street, or where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority. 25

Every such requisition shall be signed by the person making the same, or by the local authority (as the case may be), and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office, and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same, and any requisition so supplied shall be deemed valid in point of form. 30

Provisions on requisition by owners or occupiers.

25. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom such requisition is signed, stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years, of such amount in the aggregate (to be specified by the Undertakers in such notice) as will, at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply, produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not, without the authority of the Board of Trade, 40 45

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specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

- 5 Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons, or some of them, binding them to
- 10 take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys
- 15 which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

- If the Undertakers consider that the requisition is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be
- 20 varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, who, after such inquiry, if any, as they shall think fit, may, by order, either determine that the requisition is unreasonable, and shall not be binding upon the Undertakers, or may authorise the Undertakers by their notice, to require a supply of energy to be taken for such
- 25 longer period than three years, and to specify such sum or per-centage whether calculated as herein-before provided or otherwise, as shall be fixed or directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly.

- In case of any such appeal to the Board of Trade, any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

- If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement, such difference shall, subject to the provisions of this section and to the decision of the Board of
- 35 Trade upon any such appeal as aforesaid, be determined by arbitration.

25. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected, or within fourteen days thereafter, there be tendered to the Undertakers (if required by them) an agreement executed by the local authority, and binding
- 40 them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Provisions
on requisition
by local
authority.

Supply.

26. The Undertakers shall, upon being required to do so by the owner or
- 45 occupier of any premises situate within fifty yards from any distributing main

Undertakers
to furnish sufficient
supply of

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energy to
owners and
occupiers
within the
area of supply.

of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions, subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following; (that is to say,) 5 10

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers, although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier. 15

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and, 20

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers, within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may from time to time become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them. 25 30 35

Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues. 40 45

Provided also, that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner, or uses the energy supplied to him by the Undertakers for any purposes, or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or persons by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises so long as such user continues.

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Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined by arbitration.

27. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily.

Maximum power.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

28. The Undertakers, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Supply of energy to public lamps.

29. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Penalty for failure to supply.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this

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A.D. 1891. Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp, and for each day on which any such default occurs.

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Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order, they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of
charging.

30. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1.) By the actual amount of energy so supplied; or,
- (2.) By the electrical quantity contained in such supply; or
- (3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him, or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

Provided also that, before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the local authority by what method they propose to charge for energy supplied through such main, and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement; and, where the Undertakers have given any such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

Maximum
prices.

31. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade shall on approving such method determine.

Provided that if the local authority or the Undertakers shall, at any time after the expiration of seven years after the commencement of this Order,

make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered, the Board of Trade, after such inquiry as they may think fit, may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the Order, as if they had been stated in the said schedule: Provided also, that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

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32. Subject to the provisions of this Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned, the Undertakers may make any agreement with a consumer as to the price to be charged for energy, and the mode in which such charges are to be ascertained, and may charge accordingly.

Other charges
by agreement.

33. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained, shall be settled by agreement between the local authority and the Undertakers in case of difference, by arbitration, regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district.

Price to public
lamps.

25 *Electric Inspectors.*

34. The local authority, so long as they are not themselves the Undertakers for the purposes of this Order, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

Appointment
of electric
inspectors.

30 If no electric inspector is appointed by the local authority, or if the inspection of electric lines and works is imperfectly attended to by the local authority, or if the local authority themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any consumer, or of the Undertakers, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors.

The duties of an electric inspector under this Order shall be as follows:—

- (a.) The inspection and testing, periodically and in special cases, of the Undertakers' electric lines and works and the supply of energy given by them;
- (b.) The certifying and examination of meters; and
- (c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

A.D. 1891. The local authority, with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and such fees shall be accounted for and applied as may be directed by the local authority or the Board of Trade, as the case may be. 5

Remuneration
of electric
inspectors.

35. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine, and such remuneration may be in addition to, or in substitution for, any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act, according as the local authority shall so determine. 10

Inquiry by
Board of
Trade.

36. The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connexion with the Undertakers works, or as to the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with by the Undertakers; and any person appointed under this section, not being an electric inspector, shall for the purposes of his appointment have all the powers of an electric inspector under this Order. 15 20

Testing and Inspection.

Testing of
mains.

37. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but, except under the provisions of a special order in that behalf made by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid: Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade. 25 30 35

Testing of
works and
supply on
consumer's
premises.

38. An electric inspector, if and when required to do so by any consumer, shall on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order, 40

and the regulations and conditions subject to which they are for the time being authorised to supply energy. A.D. 1891.

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Undertakers to establish testing stations.

39. The Undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost and keep in proper condition such
5 reasonable number of testing stations as the local authority, or, where the local authority are the Undertakers, as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of
10 proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any excessive
15 or improper use of energy for such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

40. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instru-
20 ments of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence.

Undertakers to keep instruments on their premises.

41. The Undertakers shall keep in efficient working order all instruments
25 which they are required by or under this Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be
30 receivable in evidence.

Readings of instruments to be taken.

42. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the same
35 are not in order he may require the Undertakers forthwith to have the same put in order.

Electric inspector may test Undertakers instruments.

43. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or
40 other agent, but such officer or agent shall not interfere with the testing or inspection.

Representation of Undertakers at testings.

44. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this

Undertakers to give facilities for testing.

A.D. 1891. Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound.

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Report of
results of
testing.

45. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the local authority, Board of Trade, or consumer (as the case may be) by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence. 5

If the Undertakers, the local authority, or any consumer are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties. 10

Expenses of
electric
inspector.

46. Save as otherwise provided by this Order, or by any regulations under this Order, all fees and reasonable expenses of an electric inspector, shall, unless agreed, be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade, and shall be paid by the Undertakers. 15

Provided that where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, such fees and expenses shall, on being ascertained as above-mentioned, be paid by such consumer or consumers as the court or Board, having regard to such report or decision, shall direct, and may be recovered summarily. 20

Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct. 25

Meters.

Meters to be
used, except by
agreement.

47. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order. 30

Meter to be
certified.

48. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter, and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade, and every such meter is in this Order referred to as a "certified meter": Provided that where any alteration is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines, such meter shall cease to be a certified 35 40

meter unless and until it be again certified as a certified meter under the provisions of this Order. A.D. 1891.

Killarney.

Inspector to certify meters.

49. Every electric inspector, on being required to do so by the Undertakers, or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value of the supply, and shall certify the same as a certified meter if he considers it entitled to be so certified.

50. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises and execute all necessary works and do all necessary acts: Provided that, previously to supplying any such meter, the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

51. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line, unless he has given to the Undertakers not less than forty-eight hours notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

52. Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is under this Order to be ascertained, in proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring such meter to be again duly certified, where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

53. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, and any other apparatus required for their undertaking, for such remuneration in money, and on such terms with respect to the repair of such meter or apparatus and fittings, and for securing the safety and return to the Undertakers of such meter or apparatus and fittings as may be agreed upon between the hirer and the Undertakers,

Power to the Undertakers to let meter.

Meters not to be connected or disconnected without notice.

Consumer to keep his meter in proper order.

Inspector to certify meters.

A.D. 1891. or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily.

Killarney.

Undertakers to keep meter let for hire in repair.

54. The Undertakers shall, unless the agreement of hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and, in default of their so doing, the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified, where such re-certifying is thereby rendered necessary, shall be paid by the Undertakers.

Differences as to correctness of meter to be settled by inspector.

55. If any difference arises between any consumer and the Undertakers as to whether any meter, whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined upon the application of either party by an electric inspector or, where the local authority are the consumers, by an inspector to be appointed by the Board of Trade, who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid, the register of the meter shall be conclusive evidence, in the absence of fraud, of the value of the supply.

Undertakers to pay expenses of providing new meters where method of charge altered.

56. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the Undertakers change the method of charging for energy supplied by them from such main, the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily.

Undertakers may place meters to measure supply or to check measurement thereof.

57. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum amount of such supply or any other quantity or time connected therewith: Provided that such meter or apparatus shall be of some construction and pattern, and shall be fixed and connected with the service lines in some manner approved by the Board of Trade, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Maps.

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Killarney.
Map of area
of supply to
be made and
deposited.

58. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply, and shall cause to be marked thereon the line and the depth below the surface of all their then
 5 existing mains, service lines, and other underground works and street boxes, and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works other than service lines.
 10 The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

- Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the Undertakers at their principal office within the area of supply, and shall at all
 15 reasonable times be open to the inspection of all applicants, and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof,
 20 taken by such applicant, as they may prescribe.

- The Undertakers shall, if so required by the Board of Trade or the Postmaster-General or the local authority, supply to them or him a copy of any such map or section, and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office
 25 of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

30 *Purchase by Local Authority.*

59. The option of purchasing the undertaking under the provisions of section 2 of the Electric Lighting Act, 1888, may be exercised by the local authority within six months after the expiration of a period of twenty-eight years from the commencement of this Order, and within six months after the expiration
 35 of any subsequent period of seven years.

Purchase by
local authority.*Special Provisions in case of Transfer.*

60. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

Application
of revenue.

- (A.) All moneys received by the Undertakers in respect of the undertaking
 40 except (a) borrowed money, (b) money arising from the disposal of lands acquired for the purposes of this Order, and (c) money not of the nature

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of rent received by them in respect of any transfer under the provisions of this Order, shall be applied by them as follows:—

- (1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties, and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers, their officers or servants in relation to the undertaking. 5
- (2.) In payment of the interest or dividend on any mortgages, stock, or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes. 10
- (3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.
- (4.) In payment of all other their expenses of executing this Order, not being expenses properly chargeable to capital.
- (5.) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, and the resulting income thereof in Government securities, or in any other securities in which trustees are by law for the time being authorised to invest, other than stocks or securities of the Undertakers, and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking, or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit, and so from time to time as often as such reduction happens. 20 25

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund, when amounting to the prescribed limit, to the credit of the local rate as defined by the principal Act, or at their option shall apply such surplus, or some part thereof, to the improvement of the district for which they are the local authority, or in reduction of the capital moneys borrowed for electricity purposes. 30

Provided always, that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking, the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority. 35 40

Any deficiency of income in any year when not answered out of the reserve fund, shall be charged upon and payable out of the local rate.

- (B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received 45

by them in respect of the undertaking shall be applied by them as follows:—

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Killarney.

(1.) In the reduction of the capital moneys borrowed by them for electricity purposes;

5 (2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

61. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

Purchase and use of lands.

10 Subject to the provisions of this Order and the principal Act the Undertakers may by agreement purchase or take on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board for Ireland, and may dispose of any lands acquired by them under the provisions of this section which may not for the time be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres, except with the consent of the Board of Trade.

20 Provided also that the Undertakers shall not, except with the consent of the Local Government Board for Ireland, take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

25 For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of 30 any of such persons who may be residing with them.

62. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-three and two hundred and sixty-four of the Public Health (Ireland) Act, 1878, shall be incorporated with this Order; and in the construction of the said provisions "this Act" 35 shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers.

Incorporation of sections 263 and 264 of Public Health (Ireland) Act, 1878.

Notices, &c.

63. Notices, orders, and other documents under this Order may be in writing or in print, or partly in writing and partly in print, and where any 40 notice, order, or document requires authentication by the local authority, the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

Notices, &c. may be printed or written.

64. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by

Service of notices, &c.

A.D. 1891. the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:—
Killarney.

- (a.) In the case of the Board of Trade, the office of the Board of Trade ;
- (b.) In the case of the Postmaster-General, the General Post Office ;
- (c.) In the case of any local authority, the office of such local authority ; 5
- (d.) In the case of any company having a registered office, the registered office of such company ;
- (e.) In the case of the Undertakers or any company having an office or offices, but no registered office, the principal office of the Undertakers or of that company ; 10
- (f.) In the case of any other person, the usual or last known place of abode of such person.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description. 15

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises. 20

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works, or the performance of any duty or act, is less than seven days, the following days shall not be reckoned in the computation of such time ; that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving. 25

Revocation of Order.

Revocation of
Order where
Undertakers
are insolvent.

65. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation, they may, after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, as to any part of the area of supply. 30 35 40

Revocation of
Order where
undertaking
cannot be
carried on with
profit.

66. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of 45

the truth of such representation they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers and of the local authority) as to any part of the area of supply. A.D. 1891.
Killarney.

67. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority, upon such terms as the Board of Trade may think just. Revocation of
Order with
consent.

68. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect:— Provisions
where Order
revoked.

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine. 15

(b.) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking or such part thereof as aforesaid, upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act. 20
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(c.) Where any purchase is so effected, the undertaking, or part thereof so purchased, shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the Undertakers or attaching to the undertaking; and the revocation of this Order, as to the whole of the area of supply, or such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obligations of the Undertakers from whom the undertaking, or such part thereof as aforesaid, is purchased in relation to the supply of energy within such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority. 30
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(d.) Where no purchase has been effected under the preceding provisions of this section, the local authority, and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed, may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care, and the Undertakers shall pay to the local authority, or other such body or person as aforesaid, 40

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such reasonable costs of such removal, and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person (or if so required by the Undertakers, within one week after the service of such notice upon them) as may be settled by arbitration.

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If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice, or the delivery of the award of the arbitrator (as the case may be), the local authority, or other such body or person as aforesaid may, without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit; and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

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- (e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers by this Order granted to the Undertakers, or for any expenses to which such local authority, body, or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid, shall be determined by an arbitrator, to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

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General.

Remedying
of system and
works.

69. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth or having placed any electric line above ground in contravention of this Order; or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may, by order in writing, make such requirements

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as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall
5 be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

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Killarney.

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the
10 order is complied with, or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

If the Undertakers supply energy by means of a system not approved of by
15 the Board of Trade, and fail to comply with any order made under this section in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

70. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking and for the time being in
20 force, shall within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and a true copy thereof, certified by or on behalf of the Undertakers, shall be forthwith served upon the local authority, and like copies shall be kept by the Undertakers at their principal office within the area of supply, and supplied to any person
25 demanding the same at a price not exceeding sixpence for each copy.

Publication of regulations.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

71. Where any security is required under this Order to be given to or by
30 the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default of agreement may be determined, on the application of either party, by a court of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said
35 court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Nature and amount of security.

72. All things required or authorised under this Order to be done by, to, or
40 before the Board of Trade, may be done by, to, or before the President or a secretary or assistant secretary of the Board.

Proceedings of Board of Trade.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant
45 secretary of the Board, or by any person authorised in that behalf by the

A.D. 1891. President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.
Killarney.

A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the act so certified.

Approval or
consent of
Board of
Trade.

73. Where this Order provides for any consent or approval of the Board of Trade, the Board may give such consent or approval subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit. All costs and expenses of or incident to any application for any approval, consent, certificate, or order of the Board of Trade or of any inspector or person appointed by the Board of Trade, including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made, to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same, as they may think fit, to be prepared and deposited at their office at the expense of the said applicant or applicants, and may, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary.

Notice of
approval of
Board of
Trade, &c. to
be given by
advertisement.

74. Where the Board of Trade, upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or where the Board of Trade, upon the application of the local authority or the Undertakers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

Notice of
application for
extension of
time, &c. to be
given to local
authority.

75. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers, notice of such application shall be served on the local authority by the Undertakers, and an opportunity shall be given to the local authority to make representations or objections with reference thereto.

Recovery and
application of
penalties.

76. All penalties, fees, expenses, and other moneys recoverable summarily under this Order, or under any regulations made under this Order or the principal Act, or the recovery of which is not otherwise specially provided for, may be recovered in manner provided by the Summary Jurisdiction (Ireland) Acts.

Any penalty recovered on prosecution by an officer of the local authority, shall, if there is an electric inspector for the time being appointed by the local authority, be paid to such officer and by him to the local authority, and shall be applied in aid of the local rate.

Any such penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court shall so direct, be paid to such body or person. A.D. 1891.
Killarney.

5 77. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants from all
10 damages and costs in respect of such accidents, damages, and injuries.

78. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed
15 to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part
20 being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

79. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall
25 be construed to be in addition to and not in modification of the provisions of those Acts.

80. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them.

30 81. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity, or to the supply of or price to be charged for energy, which may be passed after the commencement of this Order.

Temporary Provision.

35 82. Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except so far as the placing thereof above ground is permitted by this Order), they shall be removed by the Undertakers within a period of one year after such commencement.

40 If the Undertakers fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit.

A.D. 1891.

Killarney.

SCHEDULES.

FIRST SCHEDULE.

Area of Supply.

The whole of the urban sanitary district of Killarney as the same is constituted at the commencement of this Order.

5

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order :—

Fair Hill, College Street, Henn Street, Main Street, Kenmare Place, High Street, New Street, Cathedral Place, the road to the Asylum, and the road from the bridge opposite Flesk Mills to the Countess's Road from Kenmare Place to Lord Kenmare's Demesne Gate, and the road called the Rock Road, from the upper end of High Street to the Union Workhouse Gate on the Tralee Road.

15

THIRD SCHEDULE.

List of streets not repairable by the local authority, railways and tramways, which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

(a.) *Streets.*

20

"Old Pike Road," from Ballycasheen boundary to Rookery Road; "Rookery Road," from Old Pike Road to the "Countess's Road"; the "Countess's Road," from the Rookery to Lord Kenmare's Demesne Gate; the Kenmare Road, from Lord Kenmare's Demesne Gate to Flesk Bridge; the Killorglin Road, so far as it is within the area of supply; the road from the bridge across the River Dinagh at Ballydowney to the Rock Road, Fair Hill, College Street, Henn Street, Main Street, Kenmare Place, High Street, New Street, Cathedral Place, the road from Kenmare Place to Lord Kenmare's Demesne Gate, and the road called the Rock Road from the upper end of High Street

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to the Union Workhouse Gate on the Tralee Road, and the road leading from end of High Street, called Hospital Road, the road leading from Fair Hill to back entrance of Asylum.

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Killarney.

5 (b.) *Railways.*

None.

(c.) *Tramways.*

None.

FOURTH SCHEDULE.

In this schedule—

- 10 The expression “unit” shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

Section 1.

- 15 Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter :—For any amount up to twenty units, ten shillings; and for each unit over twenty units, sixpence.

Section 2.

- 20 Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Under-
25 takers under any regulations made under this Order.

A.D. 1891.

KINGSTON-UPON-THAMES ELECTRIC LIGHTING.

Kingston-upon-Thames.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 and 1888 to the Mayor Aldermen and Burgesses of the Borough of Kingston-upon-Thames in respect of the said Borough.

5

Preliminary.

Short title.

1. This Order may be cited as the Kingston-upon-Thames Electric Lighting Order 1891.

Interpretation.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order:—

15

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882;

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied;

20

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply;

25

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers;

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply;

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The expression "general supply" shall mean the general supply of energy to ordinary consumers but shall not include the supply of energy to any one or more particular consumers under special agreement;

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The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order;

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers;

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The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines;

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Kingston-
upon-Thames.

- 5 The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected;
- 10 The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined;
The expression "tramway" shall mean any tramway laid along any street;
The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof;
- 15 The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively;
- The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with
- 20 this Order and signed by an assistant secretary to the Board of Trade;
- The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary.
- 25 3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commence-
ment of Order.

Description of the Undertakers.

4. Subject to the provisions of this Order the Undertakers for the purposes of this Order shall be the mayor aldermen and burgesses of the borough of Kingston-upon-Thames.

Description of
Undertakers.

Area of Supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red.

Area of supply.

Nature and Mode of Supply.

6. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided as follows:—
- 40 (1) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

Systems and
mode of supply.

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*Kingston-
upon-Thames.*

- (2) The Undertakers shall not without the express consent of the Board of Trade and (in the case of streets repairable by them) of the county council place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply; 5
and
- (3) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations and conditions as aforesaid unless such connexion is for the time being approved of by the Board 10
of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions (if any) of such approval.

*Lands.*Purchase and
use of lands.

7. Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the 15
purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased to them but subject as to such last-mentioned lands to the approval of the Local Government Board and may from time to time dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes 20
of this Order. Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Provided also that the Undertakers shall not except with the consent of the Local Government Board take for the purposes of this Order ten or more 25
houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages 30
hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons 35
who may be residing with them.

*Works.*Power for exe-
cution of works.

8. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are 40
specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use: Provided however as respects any such

railways that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level. A.D. 1891.

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Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section thirteen of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

9. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes. Street boxes.

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

10. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect:—

Notice of works with plan to be served on the Postmaster-General.

(A) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge is to be interfered with and shall upon being required to do so by the Postmaster-General give him any such further information in relation thereto as he may desire;

(B) The Postmaster-General may in his discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may

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disapprove the same and may give notice of such approval or disapproval to the Undertakers ;

- (c) Where the Postmaster-General approves any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapproves of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same ; 5
- (D) If the Postmaster-General fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon him he shall be deemed to have approved such works and plan ; 10
- (E) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and of the principal Act ; 15 20
- (F) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances ; 25 30 35

Where any street or public bridge is repairable by the county council the Undertakers shall serve a like notice and plan upon the county council in addition to those served upon the Postmaster-General and the foregoing provisions of this section shall with the necessary modifications apply to the county council in like manner as to the Postmaster-General ; 40

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers works or their supply of energy. 45

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*Kingston-
upon-Thames.*
As to streets
not repairable
by local
authority or
county council
railways tram-
ways and
canals.

11. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or county council or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested :—

- (A) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be) in this section referred to as the “owners” describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire ;
- (B) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof ;
- (C) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly ;
- (D) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible ;
- (E) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties ;

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upon-Thames.*

(F) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works ;

(G) Where the repair renewal or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act ;

(H) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Street authority
&c. may give
notice of desire
to break up
streets &c. on
behalf of
Undertakers.

12. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served. Where such body or person as aforesaid (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested :—

(A) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or

neglected to comply with such requisition as herein-after provided or in cases of emergency; A.D. 1891.

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- 5 (B) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged;
- 10 (c) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or
- 15 discharge so far as the same may be applicable;
- (D) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice;
- 20 (E) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice;
- 25 (F) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances;
- 30 (G) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily;
- 35
- 40

45 Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the

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upon-Thames.*

execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

As to alteration
of pipes wires
&c. under
streets.

13. The Undertakers may alter the position of any pipes or wires being 5
under any street or place authorised to be broken up by them which may
interfere with the exercise of their powers under the principal Act or this
Order and any body or person may in like manner alter the position of
any electric lines or works of the Undertakers being under any such street
or place as aforesaid which may interfere with the lawful exercise of any 10
powers vested in such body or person in relation to such street or place
subject to the following provisions unless otherwise agreed between the parties
interested :—

- (A) One month before commencing any such alterations the Undertakers or
such body or person (as the case may be) in this section referred to as 15
“the operators” shall serve a notice upon the body or persons for the
time being entitled to such pipes wires electric lines or works (as the case
may be) in this section referred to as “the owners” describing the pro-
posed alterations together with a plan showing the manner in which it is
intended that such alterations shall be made and shall upon being required 20
to do so by any such owners give them any such further information
in relation thereto as they may desire ;
- (B) Within three weeks after the service of any such notice and plan upon
any owners such owners may if they think fit serve a requisition upon 25
the operators requiring that any question in relation to such works or to
compensation in respect thereof or any other question arising upon such
notice or plan as aforesaid shall be settled by arbitration and thereupon
such question unless settled by agreement shall be settled by arbitration
accordingly ;
- (C) In settling any question under this section an arbitrator shall have 30
regard to any duties or obligations which the owners may be under in
respect of such pipes wires electric lines or works and may if he thinks
fit require the operators to execute any temporary or other works so as
to avoid interference with any purpose for which such pipes wires electric
lines or works are used so far as may be possible ; 35
- (D) Where no such requisition as in this section mentioned is served upon
the operators the owners shall be held to have agreed to the notice or
plan served on them as aforesaid and in such case or where after any
such requisition has been served upon them any question required to be
settled by arbitration has been so settled the operators upon paying or 40
securing any compensation which they may be required to pay or secure
; may cause the alterations specified in such notice and plan as aforesaid
to be made but subject in all respects to the provisions of this Order and
the principal Act and only in accordance with the notice and plan so served
by them as aforesaid or such modifications thereof respectively as may 45

have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties ;

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upon-Thames.*

5 (E) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to
10 comply with such notification as herein-after provided ;

(F) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when
15 such alterations are required to be commenced and the manner in which such alterations are required to be made ;

(G) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable ;

(H) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such
25 alterations in like manner as they might have done if no such statement as aforesaid had been served upon them ;

(I) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily ;

30 (J) Any owners may if they think fit by any statement served by them under this section upon any operators not being a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this
35 Order and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given ;

40 (K) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty
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*Kingston-
upon-Thames.*Laying of
electric lines
&c. near gas
or water pipes
or other electric
lines.

not exceeding five pounds. Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

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14. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as "the operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as the "owners" not less than three days notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owner thereof repair any damage that may be done thereto.

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Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

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Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

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Any question or difference which may arise under this section shall be determined by arbitration.

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If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds. Provided that the operators shall not

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be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due
 5 to the fact that the operators were ignorant of the position of the main pipe syphon electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

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For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company"
 10 shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

15 15. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection of railway and canal companies.

16.—(1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works
 20 of all descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or
 25 placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is
 30 not injuriously affected thereby such question shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their
 35 system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

For protection of telegraphic and telephonic wires.

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line
 40 lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the
 45 currents intended to be transmitted thereby and the extent to and manner in

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which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the Undertakers shall 5 conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference 10 shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered. 15

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings Provided that the Undertakers shall not be 20 subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was 25 due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment 30 action or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

Mains &c. to
 be laid down
 in streets
 specified in
 Second Sched-
 ule and in
 remainder of
 area of supply.

17.—(1) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of 35 a street specified in that behalf in the Second Schedule and shall thereafter maintain the same.

(2) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the 40 purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in 45

that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

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(3) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority company or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

18. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively the Board of Trade may revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply or if the Undertakers so desire may suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order.

If Undertakers fail to lay down mains &c. Order may be revoked.

19. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street.

Manner in which requisition is to be made.

Every such requisition shall be signed by the persons making the same and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply on application for the same and any requisition so supplied shall be deemed valid in point of form.

20. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice. Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or

Provisions on requisition by owners or occupiers.

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additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected or in the case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry if any as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or per-centage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly.

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

Supply.

Undertakers to
 furnish sufficient
 supply of energy
 to owners and
 occupiers
 within the area
 of supply.

21. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that

may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following (that is to say):—

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5 The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier ;

10 Every owner or occupier of premises requiring a supply of energy shall—

15 Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence ; and

20 Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them ;

25 Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think

40 fit discontinue to supply energy for such premises so long as such failure continues.

Provided also that if the owner or occupier of any such premises as afore-said uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they

A.D. 1891. think fit discontinue to supply energy to such premises as long as such user continues.

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Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons. 5

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration. 10

Maximum power.

22. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises. Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt. 15 20

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration. 25

Penalty for failure to supply.

23. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs. 30

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf. 35

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply. 40

Price.

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Methods of
charging.

24. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1) By the actual amount of energy so supplied ; or
- 5 (2) By the electrical quantity contained in such supply ; or
- (3) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method of charge may
10 by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

15 Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall by public advertisement give notice by what method they propose to charge for energy supplied through such main and where the Undertakers have given any such notice they shall not be entitled to change such method of
20 charging except after one month's notice of such change has been given by them to every consumer who is supplied by them from such main.

25. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of
25 charge approved of by the Board of Trade such price as the Board shall on approving such method determine.

Maximum
powers.

26. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may
30 make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

Other charges
by agreement.

Electric Inspectors.

27. The Board of Trade on the application of any consumer or of the
35 Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

Appointment
of electric
inspectors.

The duties of an electric inspector under this Order shall be as follows:—

- (A) The inspection and testing periodically and in special cases of the Undertakers' electric lines and works and the supply of energy given by
40 them ;
- (B) The certifying and examination of meters ; and
- (C) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

A.D. 1891. The Board of Trade may prescribe the fees to be taken by an electric inspector and the manner in which and the times at which his duties are to be performed.

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Remuneration
of electric
inspector.

28. The Undertakers shall pay to every electric inspector appointed under this Order such reasonable remuneration (if any) as may be determined by the Board of Trade and such remuneration may be in addition to or in substitution for any fees which are directed to be paid to electric inspectors for services rendered by them under this Order or any regulations of the Board of Trade made in pursuance of this Order as may be settled by such Board and where any such remuneration is settled to be in substitution for fees any fees payable by any party other than the Undertakers shall in lieu of being paid to such electric inspector for his own use be due and paid to him on behalf and for the use of the Undertakers and shall be carried by them to the credit of the local rate.

Inquiry by
Board of Trade.

29. The Board of Trade may if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

Testing and Inspection.

Testing of
mains.

30. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains. Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of
works and
supply on
consumer's
premises.

31. An electric inspector if and when required to do so by any consumer shall on payment by such consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon

the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

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- 5 32. A court of summary jurisdiction may upon the application of any ten consumers direct the Undertakers at their own cost to establish at such places within a reasonable distance from a distributing main and keep in proper condition such reasonable number of testing stations as the court shall deem proper and sufficient for testing the supply of energy by the
- 10 Undertakers through such main and thereupon the Undertakers shall establish such testing places and provide thereat such proper and suitable instruments of a pattern to be approved by the Board of Trade as the court may direct and they shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of
- 15 such testing.

Undertakers to
establish testing
stations.

33. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded
- 20 such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence.

Undertakers to
keep instru-
ments on their
premises.

34. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector
- 25 appointed under this Order may from time to time examine and record the readings of such instruments and any readings so recorded shall be receivable in evidence.

Readings of
instruments to
be taken.

35. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Electric in-
spector may
test Under-
takers instru-
ments.

36. The Undertakers may if they think fit on each occasion of the testing
- 35 of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or other agent but such officer or agent shall not interfere with the testing or inspection.

Representation
of Undertakers
at testings.

37. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily
- 40 penalty not exceeding one pound.

Undertakers to
give facilities
for testing.

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Report of
results of
testing.

38. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the Board of Trade or consumer (as the case may be) by whom he was required to make such testing and also to the Undertakers and such report shall be receivable in evidence. 5

If the Undertakers or any consumer are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties. 10

Expenses of
electric in-
spector.

39. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by the Board of Trade and shall be paid by the Undertakers and may be recovered summarily as a civil debt.

Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above-mentioned be paid by such consumer or consumers as the Board of Trade having regard to such report or decision shall direct and may be recovered summarily as a civil debt. 15 20

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court may direct.

Meters.

Meters to be
used except by
agreement.

40. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order. 25 30

Meter to be
certified.

41. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter." Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order. 35 40

Inspector to
certify meters.

42. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the parties so requiring him shall examine any meter intended for ascertaining the value of

the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

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43. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises and execute all necessary works and do all necessary acts. Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-
after provided.

Undertakers to supply meters if required to do so.

44. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Meters not to be connected or disconnected without notice.

45. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

Consumer to keep his meter in proper order.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers.

46. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Power to the Undertakers to let meter.

47. The Undertakers shall unless the agreement of hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for

Undertakers to keep meter let for hire in repair.

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correctly registering such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times. Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers. 5

Differences as
to correctness
of meter to be
settled by
inspector.

48. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector who shall order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply. 10 15

Undertakers to
pay expenses of
providing new
meters where
method of
charge altered.

49. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt. 20 25

Undertakers
may place
meters to
measure supply
or to check
measurement
thereof.

50. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply. Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals. 30 35

Maps.

40

Map of area of
supply to be
made and
deposited.

51. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and

street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works
 5 other than service lines. The said map and sections shall be on such scale or scales as the Board of Trade shall prescribe.

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Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall at all
 10 reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof
 15 taken by such applicant as they may prescribe.

The Undertakers shall if so required by the Board of Trade or the Postmaster-General supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

20 If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Application of Moneys received.

25 52. All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money (b) money arising from the disposal of lands acquired for the purposes of this Order and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

Application of
 moneys
 received.

- 30 (1) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers their officers or servants in relation to the undertaking;
- 35 (2) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes;
- (3) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes;
- 40 (4) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital;
- (5) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in
 45 any other securities in which trustees are by law for the time being

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authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the under- 5
taking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens. 10

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or some part thereof to the improvement of the district for which they are the local authority or in reduction of the 15
capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceeds five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the 20
said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the Undertakers.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate. 25

Application of
capital moneys.

53. All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:— 30

- (1) In the reduction of the capital moneys borrowed by them for electricity purposes;
- (2) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Notices &c.

35

Notices &c.
may be printed
or written.

54. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the Undertakers the signature thereof by their clerk or surveyor shall be sufficient authentication.

Service of
notices &c.

55. Any notice order or document required or authorised to be served upon 40
any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively;

- (A) In the case of the Board of Trade the office of the Board of Trade;
- (B) In the case of the Postmaster-General the General Post Office;

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- (C) In the case of any county council the office of such council ;
- (D) In the case of any local authority the office of such local authority ;
- (E) In the case of any company having a registered office the registered office of such company ;
- 5 (F) In the case of a company having an office or offices but no registered office the principal office of such company ;
- (G) In the case of any other person the usual or last known place of abode of such person.

A notice order or document by this Order required or authorised to be
10 served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice order or document by this Order required or authorised to be
15 served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises :

Subject to the provisions of this Order as to cases of emergency where the
20 interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time that is to say Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the
25 Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

Revocation of Order.

56. If at any time after the commencement of this Order the Board of
Trade have reason to believe that the Undertakers have made default in
30 executing works or supplying energy in accordance with the provisions of this Order the Board of Trade may after such inquiry as they may think necessary revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as to the Board of Trade may seem just.

57. In addition to any powers which the Board of Trade may have in that
35 behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers upon such terms as the Board of Trade may think fit.

58. If the Board of Trade at any time revoke this Order as to the whole
40 or any part of the area of supply any persons who may be liable to repair any street or part of a street within such area or part thereof in which any works of the Undertakers may have been placed may forthwith remove such works with all reasonable care and the Undertakers shall pay to such persons such reasonable costs of such removal as may be specified in a notice

A.D. 1891. to be served on the Undertakers by such persons (or if so required by the Undertakers within one week after the service of such notice upon them) as Kingston-upon-Thames. may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award 5 of the arbitrator (as the case may be) such persons as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit 10 and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

Transfer of Powers &c.

15

Transfer of
powers &c.

59.—(1) At any time after the commencement of this Order the Undertakers may with the consent of the Board of Trade by deed to be approved by the Board of Trade transfer their powers duties liabilities and works to any company or person subject to such exceptions and modifications (if any) and for such period and upon such terms as may be specified therein 20 and either as to the whole or any part or parts of the area of supply and during the said period but subject to the provisions of this Order such company or person shall to the extent of the powers duties and liabilities so transferred be the Undertakers for the purposes of this Order.

(2) One month at least before any draft deed is submitted to the Board of Trade for their approval under this section notice of the intention to make such transfer shall be published by the Undertakers by advertisement and a copy of the said draft deed shall be deposited for public inspection during office hours at the principal office of the Undertakers within the area of supply and printed copies thereof shall be supplied to every person demanding 30 the same at a price not exceeding sixpence for each copy.

(3) Every such advertisement shall contain the following particulars :—

- (A) The area in respect of which the transfer is proposed to be made ;
- (B) The period for which the transfer is proposed to be made ;
- (C) The rent or other pecuniary consideration in respect of the transfer ; 35
- (D) A general description of the powers duties or liabilities of the Undertakers proposed to be accepted or modified and of the terms upon which the transfer is proposed to be made ; and
- (E) The address of the office at which the copy of the said draft deed is deposited for public inspection and at which printed copies of the same 40 are on sale ;

And such advertisement shall be inserted once at least in each of two successive weeks in one and the same newspaper circulating within the area of supply and once at least in the London Gazette.

(4) The Undertakers may with the consent of the Board of Trade by deed to be approved in like manner renew or continue any such transfer for such period and subject to such variations or modifications (if any) as may be specified therein and the above provisions as to advertisements and particulars shall apply to such matters as are hereby required to be specified in such last-mentioned deed.

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upon-Thames.

(5) Where in relation to any powers duties or liabilities so transferred such company or person have in the opinion of the Board of Trade been guilty of any act or default in respect of which the Board of Trade are empowered to revoke this Order the Board of Trade if they think fit in lieu of revoking this Order may by order permit the Undertakers to resume the undertaking as from such day as may be fixed by the Order and from and after the said day the powers duties and liabilities of the said company or persons as Undertakers shall cease and determine but without prejudice to anything done or suffered during the period of transfer.

(6) Any questions arising between the Undertakers and the said company or persons respecting the resumption of the undertaking by the Undertakers shall be determined on the application of either party by the Board of Trade regard being had to the deed of transfer so far as applicable and the decision of the Board of Trade shall be final and conclusive.

(7) As soon as practicable after any such deed is approved by the Board of Trade printed copies thereof shall be kept by the Undertakers for public inspection at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy and in case of any default herein the Undertakers shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(8) Nothing in this section shall affect any powers duties or liabilities of the Undertakers which shall not be transferred by any such deed and the Undertakers shall continue to have and be subject to such powers duties and liabilities if any.

General.

60. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or have permitted any part of their circuits to be connected with earth or have placed any electric lines above ground in contravention of this Order or (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order in writing make such requirements as to them may seem meet in the

Remedying of
system and
works.

A.D. 1891. circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues. 5

Kingston-upon-Thames.

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and 10 if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

Where the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade and fail to comply 15 with any order made under this section in respect thereof within the time therein limited in that behalf the Board of Trade may if they think fit revoke this Order on such terms as they may think just.

Publication of regulations.

61. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being 20 in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and true copies thereof certified by or on behalf of the Undertakers shall be kept by them at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy. 25

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

Nature and amount of security.

62. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and 30 of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties. Provided that where 35 any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of Board of Trade.

63. All things required or authorised under this Order to be done by to 40 or before the Board of Trade may be done by to or before the President or a secretary or an assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or 45 assistant secretary of the Board or by any person authorised in that behalf

by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

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A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the fact so certified.

64. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit. All costs and expenses of or incident to any application for any approval consent or order of the Board of Trade including the costs of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor. Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

As to approval or consent of Board of Trade.

65. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the Undertakers.

Notice of approval of Board of Trade &c. to be given by advertisement.

66. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Recovery and application of penalties.

Any such penalty recovered on prosecution by any body or person or any part thereof may if the court shall so direct be paid to such body or person.

67. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

Undertakers to be responsible for all damages.

68. The provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act 1875 shall be incorporated with this Order and in the construction of the said provisions for the purposes of this Order "this Act" means this Order and the principal Act and the "local authority" means the Undertakers.

Incorporation of sections 264 and 265 of Public Health Act 1875.

Kingston-upon-Thames.
Saving clause
for Postmaster-
General.

69. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1885 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

5

Saving as to
River Thames.

70. Nothing in this Order shall authorise the Undertakers to interfere in any manner with the bed or shore of the River Thames or the navigation thereof or affect in any manner the rights powers or privileges of the Conservators of the River Thames.

Undertakers
not exempted
from proceed-
ings for
nuisance.

71. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused by them.

10

Provision as to
general Acts.

72. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

15

SCHEDULES.

FIRST SCHEDULE.

Area of supply :—

20

The whole of the borough of Kingston-upon-Thames as the same is constituted at the commencement of this Order.

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order.

25

Anglesea Road	Market Place	
Cambridge Road (from London Street to Hawks' Road)	Palace Road	
Clarence Street	Portsmouth Road (from High Street to the Borough Boundary)	30
Church Street	Richmond Road (from London Street to King's Road)	
Eden Street	St. James' Road	
Grove Road (from St.' Jame's Road to Surbiton Road)	Surbiton Crescent	35
High Street	Surbiton Road	
London Road (from London Street to the Borough Boundary)	Thames Street	
London Street	Uxbridge Road,	
Maple Road (from Beaufort Road to the Borough Boundary)		40

THIRD SCHEDULE.

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upon-Thames.*

List of streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

5	(A) Streets—	
	Avenue Road	Lincoln Crescent
	Bonnors Hill Road	Lincoln Road
	Beresford Road	Lowther Road
	Canbury Avenue	Minerva Road
10	Clifton Road (new portion)	Osborne Road
	Craven Road	Park Road (continuation)
	Deacon Road	Piper Road
	Glenthorne Road	Portman Road
	Gloucester Road	Somerset Road
15	Hardman Road	Upper Park Road
	Herbert Road	Willoughby Road.
	(B) Railways—None.	
	(C) Tramways—None.	

FOURTH SCHEDULE.

- 20 In this schedule the expression “unit” shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

SECTION 1.

- 25 Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

SECTION 2.

- 30 Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section one of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer’s terminals that is to say such a constant pressure at those terminals as may be declared by the
- 35 Undertakers under any regulations made under this Order.

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LIVERPOOL ELECTRIC LIGHTING.

Liverpool.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Liverpool Electric Supply Company, Limited, in respect of a part of the City of Liverpool.

5

Preliminary.

Short title.

1. This Order may be cited as the Liverpool Electric Lighting Order, 1891.

Interpretation.

2. This Order is to be read and construed subject, except as herein-after provided, in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act"; and the several words, terms, and expressions to which by the principal Act meanings are assigned, shall have in this Order the same respective meanings, provided that in this Order—

The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882 :

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied :

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply :

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer, either from any main or directly from the premises of the Undertakers :

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply :

The expression "general supply" shall mean the general supply of energy to ordinary consumers, and, unless otherwise specially agreed with the local authority, to the public lamps, but shall not include the supply of energy to any one or more particular consumers under special agreement :

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order :

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers :

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises, and belonging to him, at which the supply of energy is delivered from the service lines

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Liverpool.

- 5 The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General, shall have the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected:
- 10 The expression "railway" shall include any tramroad, that is to say, any tramway other than a tramway as herein-after defined
- The expression "tramway" shall mean any tramway laid along any street:
- 10 The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof:
- The expression "city engineer" means the engineer for the time being of the local authority:
- 15 The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule" shall mean the First, Second, Third and Fourth Schedules to this Order annexed respectively:
- The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade:
- 20 The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and where possible, a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary.
3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Commence-
ment of
Order.

Address and Description of the Undertakers.

4. The Undertakers for the purpose of this Order are the Liverpool Electric Supply Company, Limited, being a company registered under the Companies Acts, 1862 to 1886, with limited liability, and having its registered offices at No. 15, Highfield Street, in the city of Liverpool.

Address and
description of
Undertakers.

- 35 Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order, or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

- 40 5. The Undertakers shall not purchase or acquire the undertaking of, or associate themselves with, any other company or person supplying energy under any license, provisional order, or special Act, unless the Undertakers are authorised by Parliament to do so.

If in contravention of this section the Undertakers purchase or acquire any such undertaking, or associate themselves with such other company or person, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think just

- 45 *Area of Supply.*

6. Subject to the provisions of this Order the area of supply shall be those portions of the city of Liverpool which are described in the First Schedule, and

Area of
supply

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*Liverpool.*Prohibition of
supply beyond
area of supply.

which are more particularly delineated upon the deposited map, and thereon coloured blue.

7. The Undertakers shall not at any time after the commencement of this Order erect or lay down any electric lines or works in any street beyond the area of supply, otherwise than under the authority of Parliament, or under a license 5 granted by the Board of Trade under the principal Act.

If the Undertakers erect or lay down electric lines or works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just.

Capital.

10

Further capita
in respect of
undertaking.

8. Within twelve months after the commencement of this Order the Undertakers shall cause a sum of 20,000*l.* to be bonâ fide subscribed and appropriated to the satisfaction of the Board of Trade as a separate capital for the purposes of the undertaking.

Separate ac-
counts to be
kept of under-
taking.

9. The Undertakers shall, except with the special approval of the Board of 15 Trade, to be previously given (after consideration of any representations which the local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

Nature and Mode of Supply.

20

Systems and
mode of
supply.

10. Subject to the provisions of this Order and the principal Act, the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the principal Act, provided as follows:—

(1.) Such energy shall be supplied only by means of some system which shall be approved of, in writing, by the Board of Trade, after consideration 25 of any representations which the local authority may make, and subject to such regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

(2.) The Undertakers shall not, without the express consent of the Local 30 Authority and the Board of Trade, place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply; and

(3.) The Undertakers shall not permit any part of any circuit to be connected 35 with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval. 40

*Works.*Powers for
execution of
works.

11. Subject to the provisions of this Order and the principal Act, the Undertakers may exercise all or any of the powers conferred on them by this Order

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Liverpool.

and the principal Act, and may break up such streets, not repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule, so far as such streets, railways, and tramways may for the time being be included in the area of supply, and be or be upon land dedicated to public use: Provided, however, as respects any such [railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway, except such streets, railways, or tramways (if any), or such parts thereof, as are specified in the said schedule, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable.

12. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of such boxes: Provided that no such box or apparatus shall be placed above ground except with the consent of the local authority.

Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Board of Trade may otherwise order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing, or controlling the supply of energy, or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking; and the Undertakers may place therein meters, switches, and any other suitable and proper apparatus for any of the above purposes.

Every such box, including the upper surface or covering thereof, shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

The local authority may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such boxes, and if the Undertakers, during any hours not so prescribed, remove or displace, or keep removed or displaced, the upper surface or covering of any box without the consent of the local authority, they shall be liable to a penalty not exceeding five pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

13. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of street boxes) will involve the placing, or altering the position, or removing of any mains, distributing mains, service lines, and other appurtenances in, under, along or across any street, tramway, or public bridge, repairable by the local authority, the following provisions shall have effect:—

Provisions in
 regard to the
 local authority.

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- (a.) All mains, distributing mains, service lines, and all other appurtenances whatsoever, for the complete distribution of the electric supply, shall, in every case (unless the local authority otherwise in writing allow), be laid under the footway on either side of the street and not under the carriageway.
- (b.) The number, size, general arrangement, position, depth, and design of all mains, distributing mains, service lines, boxes, carriers, junctions, and all other fittings and appurtenances connected with the complete distribution of the electric supply, and laid in, upon, or under the footway or carriageway, shall, in every case be subject to the approval in writing of the local authority, and shall be submitted for such approval in writing before the same are placed in, upon, or under such footway or carriageway.
- (c.) One month before commencing the execution of such work (not being repairs, renewals, or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a notice upon the local authority, describing the proposed works, together with a plan of the works, showing the mode and position in which such works are intended to be executed and placed, and the manner in which it is intended that any street, tramway or bridge, or any sewer, drain, tunnel or other work therein or thereunder, should be interfered with; and shall, upon being required to do so by the local authority, give them any such further information in relation thereto as they may desire.
- (d.) The local authority may, in their discretion, approve of any such works or plan, with or without any amendments, conditions, or alterations, or disapprove the same; and may give notice of such approval or disapproval to the Undertakers, and the Undertakers shall not be entitled to execute any such works except so far as the same may be of a description in accordance with the plan which has been approved by the local authority, provided always that if the local authority fail to give any such notice of approval or disapproval to the Undertakers within five weeks after the service of the notice upon them they shall be deemed to have approved of such works or plan.
- (e.) Subject to such approval as aforesaid the local authority shall within seven days after the service of a notice in writing requiring them so to do, break up so much of the carriageway and footway in any street comprised within the area of supply as may be necessary for the purpose of laying the Undertaker's mains, distributing mains, service lines and other appurtenances in such streets up to the line of private property, and shall commence, and with due expedition, make the trenches necessary for the laying of the mains, distributing mains, service lines and other appurtenances provided always that the local authority shall not be bound to break up or after commencing to continue breaking up any carriageway or footway in any such street, as aforesaid if owing to unforeseen obstacles it is in the opinion of the local authority, impracticable or undesirable to lay mains, distributing mains, service lines or other appurtenances in such street, and the obligation of the Undertakers to lay a main in any such street or part of a street shall cease.

The mains, distributing mains, service lines and other appurtenances shall be so laid and formed as to be easily distinguished from all mains, pipes, and fittings of the local authority laid in the same street.

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(*f.*) The Undertakers shall not, without the consent in writing of the local authority interfere with any of the public tramway lines, belonging to the local authority laid in any of the streets within the area of supply, and the Undertakers shall not interfere with the free user of the said tramway lines without first obtaining the consent in writing, of the Liverpool United Tramways and Omnibus Company or the lessees for the time being of such tramways.

(*g.*) Forthwith after the local authority shall have made such trenches as aforesaid the Undertakers shall at their own expense commence laying the mains, distributing mains, service lines and other appurtenances as the case may be in such trenches and shall complete the work as soon as possible and the bed of the trenches upon which the mains, distributing mains, service lines and other appurtenances shall be laid shall be prepared by the Undertakers in such manner and with such materials as the local authority may think fit, and in every respect to their satisfaction.

After the Undertakers shall have completed the laying down of the mains, distributing mains, service lines, and other appurtenances, the local authority shall fill in the trenches and reinstate the carriageways and footways, which shall have been broken up and shall do such other work as may thereafter be necessary, in consequence of such disturbance of the footway or carriageway or the reinstatement thereof.

(*h.*) Before giving any notice requiring the local authority to break up any carriageway or footway the Undertakers shall deposit with the treasurer of the local authority the sum of five hundred pounds, which shall be placed by him with the bankers of the local authority, and shall remain as a security to the local authority, for the due performance by the Undertakers of their obligations to the local authority under this Order. The local authority shall render to the Undertakers, weekly accounts of expenditure incurred by them in the breaking up and reinstatement of streets for the purpose of the Undertakers' works as authorised by this Order, and the Undertakers shall pay the amount of each such account to the treasurer of the local authority, within seven days after receipt thereof. Upon completion of all works for which any such notice shall have been given, as aforesaid, the said sum of five hundred pounds, after satisfying all sums due to the local authority under this section shall be repaid to the Undertakers.

While any such payment is in arrear the local authority may recoup themselves out of the said deposit, and they shall not be bound to commence or continue any work while any such payment is so in arrear, or the deposit for the time being is less than five hundred pounds.

(*i.*) Subject as herein-after mentioned, if any repairs are required to be done to the mains, distributing mains, service lines, and other appurtenances, laid as aforesaid in any street within the area of supply the Undertakers shall give at least twenty-four hours notice in writing to the local authority, stating the work requiring to be done, and the local authority shall thereupon at the expense of the Undertakers cause the street to be opened for the purpose of allowing the repairs to be done by the Undertakers, and the Undertakers shall immediately upon such street being opened commence the repairs and complete them as quickly as possible, and the local authority shall then reinstate the pavement.

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(j.) If any breakage shall occur to the mains, distributing mains, service lines, and other appurtenances laid in any street within the area of supply so as to damage the pavements or other property of the local authority, or to cause any interference or annoyance to the vehicular or foot traffic of such street, then the Undertakers shall in cases of emergency immediately repair such breakage to the satisfaction of the local authority, without waiting to serve a notice, as provided by the last preceding sub-section, but if the local authority shall themselves wish to open the streets for the purpose of the repairs, or to reinstate the pavements after the repairs shall have been executed by the Undertakers, they may do so, at the expense of the Undertakers, if such work shall not then have been completed by the Undertakers.

Upon any such breakage occurring, the Undertakers shall at once send notice thereof to the local authority.

(k.) The Undertakers shall pay to the local authority all reasonable expenses of the repair of any road or pavement which shall have been broken up for the purpose of the work of the Undertakers incurred during six months after the same is restored, so far as those expenses have been occasioned by by such breaking up.

(l.) Nothing in this Order contained shall be construed so as to give the Undertakers a right to remove the mains, distributing mains, service lines, and other appurtenances, up to the line of private property, when once they have been laid in any street within the area of supply.

(m.) Where any work of the Undertakers interferes with any tramway, sewer, drain, pipe, subway, fitting, or other work of the local authority, the Undertakers shall comply with, and conform to all reasonable directions and regulations of the local authority; and before, or during such interference, the local authority may at the expense of the Undertakers, in place of the works interfered with by the Undertakers provide, where requisite, such new, altered, or substituted works as the local authority may think necessary.

(n.) Nothing in this Order contained, shall authorise the Undertakers to interfere with, alter, or remove any water pipe, main, or any valve, stopcock, or other appliance incident thereto, of the local authority, except with their consent in writing; and the Undertakers shall pay to the local authority any expenses which they may incur in connection with, or by reason of any such interference, alteration, or removal.

(o.) If the local authority shall require the position or level of any mains, distributing mains, service lines, and other appurtenances of the Undertakers laid in any street to be altered, they may alter the same at the expense of the Undertakers, but before doing so the local authority shall, if required by and at the expense of the Undertakers supply other good and sufficient mains, distributing mains, service lines, and other appurtenances for continuing the supply of energy as sufficiently as the same was supplied through the mains, distributing mains, service lines, and other appurtenances, whose position or level is proposed to be altered; and any new mains, distributing mains, service lines, and other appurtenances required by the local authority for the purpose, shall be supplied to them on request by and at the expense of the Undertakers.

(p.) The works of the Undertakers shall be liable to be rated for all rates in the same manner as gas works. A.D. 1891.

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5 (q.) If at any time hereafter the local authority shall construct any subway, or tube, or covered way, for the purpose of receiving gas, water, or other mains, or pipes, or works in any street which is within the area of supply and in which mains, distributing mains, service lines, and other appurtenances of the Undertakers are laid, and shall, by notice in writing served upon the Undertakers, require that the mains, distributing mains, service lines, and other appurtenances of the Undertaker shall be removed from their then position and laid in any such subway, tube, or covered way, the Undertakers shall consent thereto, and shall pay such proportion of the expense of constructing such subway, tube, or covered way, as may be agreed upon, or shall in case of difference, be settled by arbitration; and shall forthwith, at their own expense, proceed to remove and lay and thereafter maintain their mains or pipes in such subway, tube, or covered way, in such position as the local authority may direct.

10 (r.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the local authority for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds, provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court have cognizance of the case are of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

25 (s.) Subject to the provisions and for the purposes of this Order the Undertakers and the local authority may enter into and carry into effect agreements with reference to the execution by the Undertakers of any portion of the work herein-before referred to.

35 14. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in, under, along, or across any street or public bridge, the following provisions shall have effect:—

Notice of works, with plan, to be served on the Postmaster-General.

40 (a.) One month before commencing the execution of such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a notice upon the Postmaster-General describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed, and the manner in which it is intended that such street or bridge, or any sewer, drain, or tunnel therein or thereunder, is to be interfered with, and shall, upon being required to do so by the Postmaster-General give him any such further information in relation thereto as he may desire.

45 (b.) The Postmaster-General may in his discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit,

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or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers.

- (c.) Where the Postmaster-General approves any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove, of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter, and allow or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same. 5
- (d.) If the Postmaster-General fails to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon him, he shall be deemed to have approved such works and plan. 10
- (e.) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General or by the Board of Trade, as above mentioned; but where any such works, description, and plan are so approved or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of the principal Act. 15 20
- (f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section, they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 25 30 35

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order, or otherwise by law, in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works, or their supply of energy. 40

As to streets not repairable by local authority, railways and tramways, and canals.

15. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street or part of a street not repairable by the local authority or over or under any railway, tramway (other than those tramways repairable by the local authority), or canal, the following provisions shall have effect, unless otherwise agreed between the parties interested :— 45

- (a.) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in

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addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway, or tramway, or the owners of such canal (as the case may be), in this section referred to as the "owners," describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

(b.) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given to the provisions thereof.

(c.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.

(d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, or part of a street, railway, tramway, or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible.

(e.) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

(f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works.

(g.) Where the repair, renewal, or amendment of any existing works, of which the character or position is not altered, will involve any interference with any railway level crossing or with any tramway, over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to the owners not less than twenty-four hours notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

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- (h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.
- (i.) In the execution of any powers under this section the Undertakers shall be under the same restrictions as regards the local authority as are imposed on the Undertakers by virtue of the section of this Order, whereof the marginal note is "Provisions in regard to the local authority."

Any body or person other than the local authority may give notice of desire to break up streets, &c., on behalf of the Undertakers.

16. Any body or person other than the local authority for the time being liable to repair any street or part of a street or entitled to work any tramway (other than those tramways repairable by the local authority) which the Undertakers may be empowered to break up for the purposes of this Order, if they think fit, may serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, tunnels, tramways, or other works vested in or under the control or management of any such body or person, other than the local authority, and may amend or revoke any such notice by another notice similarly served. Where any such body or person as aforesaid (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested:—

- (a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency.
- (b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than forty-eight hours and not less than twenty-four hours before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.
- (c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as

required by the Undertakers subject to the like restrictions and conditions as regards the local authority and otherwise as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.

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5 (d.) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.

10 (e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice; but in such case the Undertakers shall, within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice.

15 (f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

20 (g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers, and may be recovered summarily.

25 (h.) The givers of the notice may, if they think fit, require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

30 Provided that nothing in this or the last preceding section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up, filling in, reinstating, 35 or making good any such street or part of a street, or any such bridges, sewers, drains, tunnels, or other works, or railway or tramway as in this section mentioned.

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Provisions with
regard to the
Liverpool
United Gas
Light
Company.

17. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works will involve the alteration of the position of any pipes of the Liverpool United Gas Light Company (herein-after in this Order called "the United Gas Company") the following provisions shall have effect:—

- (1.) Before removing or displacing any main pipe, plug or other work of the 5
United Gas Company, or doing anything which may cause any impediment to the passage of gas through any of the said mains or pipes, the Undertakers shall at their own expense in all things provide and lay in lieu thereof and ready for use good and sufficient mains, pipes, plugs and other works proper and sufficient for continuing the supply of gas as sufficiently and 10
satisfactorily as the same was supplied by the mains or pipes proposed to be removed or displaced and all such mains, pipes and other works shall be laid and done under the superintendence and control and to the reasonable satisfaction of the said Company's engineer and in such places, position, and manner in all respects as he shall require and approve and all such sub- 15
stituted mains, pipes and other works shall belong to and be and become the absolute property of the United Gas Company.
- (2.) The Undertakers shall make good all damage which may be done to any mains, pipes, works or other property of the said Company and shall save them harmless from all expenses, loss or damage to be occasioned by or by 20
reason of the works authorised by this Order and shall make full compensation to the said Company and to all other persons for any loss or damage which they respectively may sustain by reason of any interference with or disturbance of the said mains, pipes or other works or with the private service pipes of any person or persons supplied with gas by the said 25
Company.
- (3.) The Undertakers shall not remove or interfere with any main pipe or other work of the said Company until they shall have given to the said Company's engineer fourteen days' previous notice in writing of their intention so to do specifying all necessary particulars relating thereto nor 30
until the said Company shall have signified their approval of the same, unless they do not signify such approval or their disapproval or other directions within fourteen days after service of the said notice and particulars and the Undertakers shall comply with and conform to all reasonable requirements, directions and regulations of the said Company in 35
the execution of the said works and shall provide in such manner as the said Company shall reasonably require for the protection of and prevention of injury or impediment to the mains, pipes and other works of the said Company.

As to alter-
ation of pipes,
wires, &c.,
under street.

18. The Undertakers may alter the position of any pipes, wires, or works 40
other than those belonging to or under the control of the local authority, or of the United Gas Company, being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order, and any body or person may in like manner alter the position of any electric lines or works of the Undertakers, being under 45
any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street

or place, subject to the following provisions, unless otherwise agreed between the parties interested:—

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- (a.) One month before commencing any such alterations the Undertakers, or such body or person (as the case may be), in this section referred to as "the operators," shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the case may be), in this section referred to as "the owners," describing the proposed alterations, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.
- (b.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works, or to compensation in respect thereof, or any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration, and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.
- (c.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works, so as to avoid interference with any purpose for which such pipes, wires, electric lines, or works are used so far as may be possible.
- (d.) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or secure, may cause the alterations specified in such notice or plan as aforesaid to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration, as herein-before mentioned, or as may be agreed upon between the parties.
- (e.) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such notification as herein-after provided.
- (f.) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when

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such alterations are required to be commenced, and the manner in which such alterations are required to be made.

- (g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable. 5
- (h.) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them. 10
- (i.) All expenses properly incurred by any owners in complying with any notification of any operators under the last preceding sub-section, shall be repaid to them by such operators, and may be recovered summarily.
- (j.) Any owners may, if they think fit, by any statement served by them upon any operators under this section, require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned, as may be determined in manner provided by this Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given. 20
- (k.) If the operators make default in complying with any of the requirements or restrictions of this section, they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds : Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances. 25 30

Laying of
electric lines,
pipes, &c.
near those of
gas or water
power com-
pany or of
Undertakers.

- 19. Whenever the Undertakers require to dig or sink any trench for laying down any new electric lines (other than service lines) or other works near to which any main pipe, syphon, electric line, or other work, belonging to any gas, electric supply, or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down any new mains or pipes other than service pipes or other apparatus near to which any electric lines or works of the Undertakers have been lawfully placed, the Undertakers or such gas or water company (as the case may be), in this section referred to as "the operators," shall unless otherwise agreed between the parties interested, or in case of sudden emergency, give to such gas, electric supply or water company or to the Undertakers (as the case may be), in this section referred to as "the owners," not less than three days notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officers to superintend the work, and the operators shall conform with 35 40 45

such reasonable requirements as may be made by the owners or any such officer for the protection of every such pipe, syphon, electric line, apparatus, or work as aforesaid, and for securing the same from injury, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

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Liverpool.

- Where the operators find it necessary to undermine, but not alter the position of any pipe, electric line, or work, they shall temporarily support the same in position during the execution of their works, and before completion provide a suitable and proper foundation for the same, where so undermined.
- Where the operators (being the Undertakers) lay any electric line, crossing, or liable to touch any mains, pipes, lines, or services belonging to any gas, electric supply, or water company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade; and the Undertakers shall not, except with the consent of the gas, electric supply, or water company, as the case may be, and of the Board of Trade, lay their electric lines, so as to come into contact with any such mains, pipes, lines, or services, or, except with the like consent, employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

- If the operators make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to all owners affected thereby, for any loss, damage, penalty, or costs, which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

- For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas other than the United Gas Company; the expression "water company" shall mean any body or person other than the local authority lawfully supplying water or water power; and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this Order.

20. The Undertakers shall not construct or lay down any structure or works (other than mains, distributing mains, service lines, and distributing boxes) in any streets not repairable by the local authority without the previous consent in writing of the local authority.

Works not to be constructed in streets not repairable by local authority without consent of local authority.

21. The local authority may, by notice in writing to the Undertakers direct that in executing any works (including the construction of street boxes) which will involve the placing or altering the position or removing of any mains, distributing mains, service lines, and other appurtenances, or the altering the position of any pipes, wires, or works in, under, along, or across any street

Local authority may direct that provisions of section 13 shall apply to execution of works

Liverpool.

in streets not
repairable by
local authority.

not repairable by the local authority, the provisions of the section of this Order, whereof the marginal note is "Provisions in regard to the local authority," or such of them as the local authority may determine shall have effect.

Undertakers
to maintain
mains, &c. to
satisfaction of
local authority.

22. The Undertakers shall maintain and keep in repair to the satisfaction of the local authority all mains, distributing mains, service lines, distributing boxes, 5 and other appurtenances whatsoever laid by them in, upon, or under the footways and carriageways of any street whether repairable by the local authority or not, and the flagging and paving round the same. If the flagging or paving round any such distributing boxes or other appurtenances in a street repairable by the local authority, in the opinion of the city engineer requires repairs, the 10 local authority may execute such repairs as they may consider to be required, at the expense of the Undertakers.

Expenses incurred by local authority to be paid by Undertakers to treasurer of local authority.

23. All expenses incurred by the local authority in or about or in, relation to or in consequence of the laying down, repair, removal, and alteration of the mains, distributing mains, service lines, and other appurtenances of the Under- 15 takers, and the expenses of all works to be done by the local authority at the expense of the Undertakers, and all other expenses payable by the Undertakers to the local authority shall, except as by this Order otherwise provided, be paid to the treasurer of the local authority within one week after the local authority shall have served upon the Undertakers notice in writing requiring payment of 20 such expenses.

Except as by this Order otherwise provided, a certificate under the hand of the city engineer as to the amount of any expenses payable by the Undertakers to the local authority under this Order shall be *prima facie* evidence of the amount of such expenses, and that such amount is due and payable by the 25 Undertakers to the local authority: Provided that if in any case the Undertakers dispute the propriety or reasonableness of such certificate so given under the hand of the city engineer, then the amount of the expenses to which such certificate refers shall be settled by arbitration.

For protection of telegraphic and telephonic wires.

24.—(1.) The Undertakers shall take all reasonable precautions in constructing, 30 laying down, and placing their electric lines and other works of all descriptions, and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication or the currents in such wire or line, whether such wire or line be or be not in 35 existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down, or placed their electric lines or other works, or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or 40 line or the current therein is or is not injuriously affected thereby, such question shall be determined by arbitration; and the arbitrator (unless he is of opinion that such wire or line, not having been so in existence at such time as aforesaid, has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in, or 45 additions to, their system so as to comply with the provisions of this section, and the Undertakers shall make such alterations or additions accordingly.

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(2.) Seven days before commencing to lay down or place any electric line, or to use any electric line, in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line, notice in writing, specifying the course, nature, and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used; and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing, or user of such electric line, for the purpose of preventing such injurious affection; and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line, and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment, action or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

25. The Undertakers shall after the expiration of twelve months from the commencement of this Order, lay down suitable and sufficient mains for the purposes of general supply through any street or part of a street within the area described in the Second Schedule hereto, unless such mains have been already laid down therein, upon receiving a notice in writing from the local authority requiring them to do so, and within such reasonable time as the local authority

Mains, &c.
to be laid down
in area
specified in
Second
Schedule,
and in
remainder of
the area of
supply.

A.D. 1891. may in each case specify, and the Undertakers shall thereafter maintain the same.
Liverpool.

26. In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided. 5

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them, or such further time as may in any case be approved of by the Board of Trade. 10

When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, company, or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act, 1882, for the written consent of the Board authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf. 15 20

As to laying of electric line under special agreement.

27. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer, and not for the purposes of general supply, the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the Undertakers intend to lay such electric line, and if within the said period any two or more of such owners or occupiers shall require, in accordance with the provisions of this Order, that a supply shall be given to their premises, the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer. 25 30

If Undertakers fail to lay down mains, &c. Order may be revoked.

28. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged, they may after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, or if the Undertakers so desire, may, after having given an opportunity to the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose, and any conditions so imposed shall be binding on and observed by the Undertakers, and shall be of the like force and effect in every respect as though they were contained in this Order. 35 40 45

Manner in which requisition is to be made.

29. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street

may be made by six or more owners or occupiers of premises along such street or part of a street, or where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority.

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- 5 Every such requisition shall be signed by the persons making the same, or by the local authority (as the case may be), and shall be served upon the Undertakers.

- 10 Forms of requisition shall be kept by the Undertakers at their office, and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same, and any requisition so supplied shall be deemed valid in point of form.

30. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom
 15 such requisition is signed, stating that they decline to be bound by such requisition, unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years, of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for
 20 a supply of energy from distributing mains to ordinary consumers within the area of supply, produce annually such reasonable sum as shall be specified by the Undertakers in such notice : Provided that in such notice the Undertakers shall not, without the authority of the Board of Trade, specify any sum exceeding twenty per centum upon the expense of providing and laying down the required
 25 distributing mains, and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Provisions on
requisition by
owners or
occupiers.

- Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the
 30 persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons or some of them, binding them to take, or guaranteeing that there shall be taken, for a period of three years at the least, such specified amounts of energy respectively as will in the aggregate at
 35 the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid)
 40 within the period limited for the tender of the agreement as aforesaid.

- If the Undertakers consider that the requisition is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, who, after such inquiry, if any, as they shall think
 45 fit, may by Order, either determine that the requisition is unreasonable and shall not be binding upon the Undertakers, or may authorise the Undertakers by their notice to require a supply of energy, to be taken for such longer period than three years, and to specify such sum or per-centage, whether calculated as

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herein-before provided or otherwise, as shall be fixed or directed by the Order, and the terms of the above-mentioned agreement shall be varied accordingly. In case of any such appeal to the Board of Trade, any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

5

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement, such difference shall, subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid, be determined by arbitration.

Provisions on
requisition by
local authority.

31. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected, or within fourteen days thereafter, there be tendered to the Undertakers (if required by them) an agreement executed by the local authority, and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

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Supply.

Undertakers
to furnish
sufficient
supply of
energy to
owners and
occupiers
within the area
of supply.

32. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within twenty-five yards from any distributing main of the Undertakers in which they are, for the time being, required to maintain, or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order, or any regulations and conditions, subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following; (that is to say,)—

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The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than thirty feet from any distributing main of the Undertakers although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

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Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

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Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply, shall

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not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

Provided also, that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner, or uses the energy supplied to him by the Undertakers for any purposes, or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises so long as such user continues.

Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined by arbitration.

33. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises, or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

34. The Undertakers, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of fifty yards from any distributing main of the Undertakers in which they

Supply of
energy to
public lamps.

A.D. 1891.

*Liverpool.*Penalty for
failure to
supply.

are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

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35. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

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Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp, and for each day on which any such default occurs.

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Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order, they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

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Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults, not being wilful defaults, on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

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*Price.*Methods of
charging.

36. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

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(1.) By the actual amount of energy so supplied ; or,

(2.) By the electrical quantity contained in such supply ; or,

(3.) By such other method as may for the time being be approved by the Board of Trade.

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Provided that where the Undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method may, by one month's notice in writing, require the Undertakers to charge him at their option by the actual amount of energy supplied to him, or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

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Provided also that, before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the local authority by what method they propose to charge for energy supplied through such main, and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement; and, where the Undertakers have given any such notice, they shall not be entitled to change such method of charging, except after one month's notice of such change

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has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

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Liverpool.

37. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first
5 and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade shall, on approving such method, determine.

Maximum
prices.

38. Subject to the provisions of this Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some
10 one or other of the methods above mentioned, the Undertakers may make any agreement with a consumer as to the price to be charged for energy, and the mode in which such charges are to be ascertained, and may charge accordingly.

Other charges
by agreement.

39. The price to be charged by the Undertakers, and to be paid to them for all energy supplied to the public lamps, shall be settled by agreement between
15 the local authority and the Undertakers, and, in case of difference, by arbitration, regard being had to all the circumstances of the case, and the prices charged to ordinary customers in the district.

Price to
public lamps.*Reduction of Price.*

40. If in any year there shall be any surplus profits of the company after
20 payment of a dividend at the rate of seven per cent. per annum for that year upon the amounts credited as paid upon the shares of the Undertakers, then one half such surplus profits shall be applied in reducing the price to be charged for energy by the Undertakers in the next following year and so on from time to time and such reduction of price shall be made in such manner as the local
25 authority shall in writing direct.

Reduction in
price.*Audit.*

41. The local authority may appoint an auditor to audit the accounts of the Undertakers and the Undertakers shall give such auditor, his clerks and assistants access to the books and accounts of the Undertakers and shall when required
30 furnish to him or them all such vouchers and information as he or they may require for the purpose of the audit and shall afford to him or them all facilities for the proper execution of his and their duty. If such auditor shall be of opinion that the accounts are incorrect in principle or in detail or that the provisions of this Order with regard to the prices to be charged for the supply of
35 energy to consumers or otherwise are not being complied with, he shall require the Undertakers to correct the accounts in such manner as he may think right, and no dividend shall be declared by the Undertakers until such accounts have been corrected to the satisfaction of the auditor: Provided always that the auditor may by certificate authorise the payment of such interim dividend
40 pending the correction of the accounts as he may think fit; and provided also that if the Undertakers shall consider any requirement of the auditor to be unreasonable or incorrect, then the propriety or otherwise of such requirement shall be settled by arbitration.

Audit of
Undertakers'
accounts.

42. If in the opinion of the local authority the amount at any time written
45 off by the Undertakers for depreciation or carried by them to reserve or depreciation fund is excessive, and the Undertakers shall not after notice in

As to reserve
or depreciation
fund.

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writing from the local authority reduce such amount in accordance with the requirements of the local authority, the question of the amount to be carried by the Undertakers to reserve or depreciation fund shall be referred to arbitration, and the arbitrator shall have power to direct any part of the amount written off or of the reserve or depreciation fund as the case may be, which is in excess of 5 the requirements of the case, to be applied in reducing the price charged by the Undertakers for energy or otherwise as he may think fit.

Electric Inspectors.

Appointment
and duties
of electric
inspectors.

43. The local authority, so long as they are not themselves the Undertakers for the purposes of this Order, shall appoint one or more competent person or 10 persons to be electric inspectors under this Order.

If no electric inspector is appointed by the local authority, or if the inspection of electric lines and works is imperfectly attended to by the local authority, or if the local authority themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any consumer, or of the Under- 15 takers, may appoint one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows :—

(a.) The inspection and testing, periodically and in special cases, of the Undertakers electric lines and works and the supply of energy given by 20 them ;

(b.) The certifying and examination of meters ; and,

(c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this 25 Order.

The local authority with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and such fees shall be accounted for and applied as may be directed by the local authority or the Board 30 of Trade, as the case may be.

Remuneration
of electric
inspectors.

44. The local authority shall pay to every electric inspector appointed under this Order such reasonable remuneration (if any) as they or (in case of an electric inspector appointed by the Board of Trade) the Board of Trade may determine, and such remuneration may be in addition to or in substitution for 35 any fees which are directed to be paid to electric inspectors for services rendered by them under this Order as may be settled by the authority by whom such remuneration is determined. Provided that where any such remuneration is settled to be in substitution for such fees as aforesaid such fees shall in lieu of being paid to such electric inspector for his own use be due and paid to him on 40 behalf and for the use of the local authority, and shall be carried by them to the credit of the local rate.

Inquiry by
Board of
Trade.

45. The Board of Trade may, if they deem it necessary, appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public, which may have been 45 occasioned by or in connexion with the Undertakers works, or as to the manner and extent in and to which the provisions of this Order and the principal Act,

and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with by the Undertakers; and any person appointed under this section, not being an electric inspector, shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

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*Liverpool.**Testing and Inspection.*

46. On the occasion of the testing of any main of the Undertakers, reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but, except under the provisions of a special order in that behalf made by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of
mains.

47. An electric inspector, if and when required to do so by any consumer, shall from time to time, on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Testing of
works and
supply on
consumer's
premises.

48. The Undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost, and keep in proper condition, such reasonable number of testing stations as the local authority, or where the local authority are the Undertakers, as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

Undertakers
to establish
testing stations.

The Undertakers shall supply, free of charge, such amounts of energy as may be reasonably required for testing purposes under this Order, including the testing of meters, provided that the amount so to be supplied for the testing of any one meter shall not exceed three units, as defined in the Fourth Schedule.

If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any excessive or improper use of energy for such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

Liverpool.

Undertakers
to keep in-
struments on
their premises.

49. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any observations so recorded shall be 5 receivable in evidence.

Readings of
instruments
to be taken.

50. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments at 10 such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence.

Electric in-
spector may
test Under-
takers
instruments.

51. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations, street boxes, and 15 premises of the Undertakers for the purpose of inspecting and testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Representation
of Undertakers
at testings.

52. The Undertakers may, if they think fit, on each occasion of the testing of 20 any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection.

Undertakers to
give facilities
for testing.

53. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing, and the readings and inspection of 25 instruments, and shall comply with all the requirements of or under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section, they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding 30 one pound.

Report of
results of
testing.

54. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the local authority, Board of Trade, or consumer (as the case may be), by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence. 35

If the Undertakers, the local authority, or any consumer, are or is dissatisfied with any report of any electric inspector, they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties. 40

Expenses of
testing.

55. All expenses of testing by an electric inspector, including such reasonable fees and expenses to the electric inspector as may from time to time be pre- scribed in that behalf by the local authority with the approval of the Board of Trade, shall be paid by the Undertakers, unless the report of the electric inspector or in the case of an appeal the decision of the Board of Trade shows 45 that the local authority, or any body or person supplied with energy was unreasonable in requiring the test to be made, or was guilty of any default or

negligence, and in such case the expenses of the testing, including such fees as aforesaid, shall on the application of the electric inspector be ascertained by a court of summary jurisdiction and paid by such local authority, body, or person as the Court having regard to such report or decision shall direct.

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Liverpool.

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Meters.

56. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meters to be used except by agreement.

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57. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be of some construction and pattern, approved of by the Board of Trade ; and to have been fixed and to have been connected with the service lines in some manner approved by the local authority, and to be a correct meter, and every such meter is in this Order referred to as a "certified meter" : Provided that where any alteration is made in any certified meter, or where any certified meter is unfixed or disconnected from the service lines, the same shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Meters to be certified.

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58. Every electric inspector, on being required to do so by the Undertakers, or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value of the supply, and shall certify the same as a certified meter if he considers it entitled to be so certified.

Inspector to certify meters.

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59. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer, and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises and execute all necessary works and do all necessary acts ; provided that, previously to supplying any such meter, the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

Undertakers to supply meters if required to do so.

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60. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Meters not to be connected or disconnected without notice.

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Liverpool.

Consumer to
keep his meter
in proper
order.

6. Every consumer shall at all times, at his own expense, keep all meters belonging to him, whereby the value of the supply is under this Order to be ascertained, in proper order, for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

The Undertakers shall have access to, and be at liberty to take off, remove, 5 test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order be paid by the consumer, but if the 10 same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

Powers to
Undertakers
to let meter.

62. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing 15 the safety and return to the Undertakers of such meter and fittings, as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers
to keep meter
let for hire
in repair.

63. The Undertakers shall, unless the agreement of hire otherwise provides, 20 at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to 25 and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Differences
as to correct-
ness of meter
to be settled
by inspector.

64. If any difference arises between any consumer and the Undertakers as to 30 whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined upon the application of either party by an electric inspector or, where the local 35 authority are the consumers, by an inspector to be appointed by the Board of Trade, who shall also order which of the parties shall pay the costs of and incidental to the proceedings before him, and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence, in the absence of fraud, of the value of the 40 supply.

Undertakers
to pay ex-
penses of
providing new
meters where
method of
charging altered.

65. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the Undertakers change the method of charging for energy supplied by them from such main, the Undertakers shall pay 45 to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according

to such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

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66. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon
5 his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum amount of such supply, or any other quantity or time connected therein: Provided that such meter or apparatus shall be of some construction and pattern, and
10 shall be fixed and connected with the service lines in some manner, approved of by the local authority with the consent of the Board of Trade, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Undertakers may place meters to measure supply or to check measurement thereof.

15 *Maps.*

67. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes,
20 and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of
25 Trade shall prescribe.

Map of area of supply to be made and deposited.

- Every map and section so made or corrected or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the Undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and such applicants
30 may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof, taken by such applicant, as they may prescribe.

- 35 The Undertakers shall, if so required by the Board of Trade, the Postmaster-General, or the local authority, supply to them or him a copy of any such map or section, and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

- 40 If the Undertakers fail to comply with any of the requirements of this section, with respect to maps and sections, they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

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Liverpool.
Application
of revenue.*Special Provisions in case of Transfer.*

68. If the local authority become the Undertakers for the purposes of this Order, the following provisions shall have effect:—

- (A) All moneys received by the Undertakers in respect of the undertaking, except (a) borrowed money, (b) money arising from the disposal of lands acquired for the purposes of this Order, and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order, shall be applied by them as follows:—
- (1) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties, and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers, their officers, or servants, in relation to the undertaking. 10
 - (2) In payment of the interest or dividend on any mortgages, stock, or securities, granted and issued by the Undertakers in respect of money borrowed for electricity purposes. 15
 - (3) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.
 - (4) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital. 20
 - (5) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, and the resulting income thereof, in Government securities, or in any other securities in which trustees are by law for the time being authorised to invest, other than stock or securities of the Undertakers, and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking, or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking, and so that if that fund is at any time reduced, it may thereafter be again restored to the prescribed limit, and so from time to time, as often as such reduction happens. 25 30

The Undertakers shall carry the net surplus remaining in any year, and the annual proceeds of the reserve fund, when amounting to the prescribed limit, to the credit of the local rate, as defined by the principal Act, or at their option shall apply such surplus or some part thereof to the improvement of the borough and public benefit of the inhabitants, or in reduction of the capital moneys borrowed for electricity purposes. 35 40

Provided always, that if the surplus in any year exceed five pounds per centum per annum, upon the aggregate capital expenditure on the undertaking, the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority. 45

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate. A.D. 1891.

Liverpool.

(B) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

(1) In the reduction of the capital moneys borrowed by them for electricity purposes;

(2) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

69. If the local authority become the Undertakers, for the purposes of this Order the following provision shall have effect:— Purchase and use of lands.

Subject to the provisions of this Order and the principal Act the Undertakers may by agreement purchase or take on lease any lands for the purposes of this Order, and may use such lands and any other lands which may for the time being belong to or be vested in or leased by them and may not be dedicated to the public as a park or recreation ground or be appropriated as a cemetery for the purposes aforesaid, and may dispose of any lands acquired by them under the provisions of this section which may not for the time be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

70. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act" shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers. Incorporation of sections 264 and 265 of Public Health Act 1875.

Notices, &c.

71. Notices, orders, and other documents under this Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the local authority, the signature thereof by the town clerk or city engineer shall be sufficient authentication. Notices, &c., may be printed or written.

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Liverpool.
Service of
notices, &c.

72. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively :—

- (a.) In the case of the Board of Trade, the office of the Board of Trade ; 5
- (b.) In the case of the Postmaster-General, the General Post Office ;
- (c.) In the case of any county council, the office of such council ;
- (d.) In the case of the local authority, the Municipal Offices, Liverpool ;
- (e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company ; 10
- (f.) In the case of a company having an office or offices, but no registered office the principal office of that company ;
- (g.) In the case of any other person, the usual or last known place of abode of such person.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description. 15

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises. 20

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days, the following days shall not be reckoned in the computation of such time; that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holidays Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving. 25 30

Revocation of Order.

Revocation of
Order where
Undertakers
are insolvent.

73. If at any time after the commencement of this Order the local authority make a representation to the Board of Trade that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation, they may, after considering any representations of the local authority, revoke this Order as to the whole, or with the consent of the Undertakers, as to any part of the area of supply. 35 40

74. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are

5 satisfied of the truth of such representation, they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers and of the local authority) as to any part of the area of supply.

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Liverpool.
Revocation of
Order where
undertaking
cannot be
carried on
with profit.

75. In addition to any other powers which the Board of Trade may have in that

10 behalf, they may revoke this Order as to the whole or any part of the area of supply at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just.

Revocation of
Order with
consent

76. If the Board of Trade at any time revoke this Order as to the whole or

15 any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect:—

Provisions
where Order
revoked.

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply

20 of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine.

(b.) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers

25 shall sell to them the undertaking, or such part thereof as aforesaid, upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by them for the purposes of the undertaking, or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in

30 the case of purchases effected by the local authority under section two of that Act.

(c.) Where any purchase is so effected, the undertaking or part thereof so purchased shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the Undertakers or attaching to the undertaking; and the revocation of this Order, as to the whole of the area of supply or

35 such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obligations of the Undertakers from whom the undertaking, or such part thereof as aforesaid, is purchased in relation to the supply of energy within such area or part thereof, and, save

40 as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority.

(d.) Where no purchase has been effected under the preceding provisions of this section, the local authority and any body or person who may be liable to repair any street or part of a street in which any works of the Under-

45 takers may have been placed, may (subject however to any agreement between the local authority or such body or person and the Undertakers

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providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care, and the Undertakers shall pay to the local authority or other such body or person as aforesaid, such reasonable costs of such removal and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them), as may be settled by arbitration. 5

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice, or the delivery of the award of the arbitrator (as the case may be), the local authority or other such body or person as aforesaid may, without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit; and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers. 10 15 20

(e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers by this Order granted to the Undertakers, or for any expenses to which such local authority, body, or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid, shall be determined by an arbitrator, to be appointed by the Board of Trade, whose decision shall be final and binding on all parties. 25 30 35

General.

Remedying of
 system and
 works.

77. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth, or have placed any electric line above ground in contravention of this Order; or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order, or the regulations and conditions subject to which the Undertakers are, for the time being, authorised to supply energy under this Order; or (c) that any work of the Undertakers, or their supply of energy, is attended with danger to the public safety, or injuriously affects any telegraphic line of the Postmaster- 40 45

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General, the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary, so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers
5 make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also if they think fit by the same or any other Order made upon any such representation as aforesaid forbid the use of any electric
10 line or work as from such date as may be specified in that behalf, until the order is complied with, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden, they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

15 If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof, within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

20 78. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking, and for the time being in force, shall, within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and a true copy thereof, certified by or on behalf of the Undertakers, shall be forthwith served
25 upon the local authority and like copies shall also be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

Publication of
regulations.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds, and to a daily
30 penalty not exceeding five pounds.

79. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties or as in default of agreement may be determined, on the application of either party, by a court of summary
35 jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four per centum per annum on every sum of ten shillings so deposited
40 for every six months during which the same remains in their hands.

Nature and
amount of
security.

80. All things required or authorised under this Order to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or assistant secretary of the Board.

Proceedings
of Board of
Trade.

All documents purporting to be orders made by the Board of Trade, and to
45 be sealed with the seal of the Board, or to be signed by a secretary or assistant

A.D. 1891. secretary of the Board, or by any person authorised in that behalf by the President
Liverpool. of the Board, shall be received in evidence, and shall be deemed to be such
orders without further proof unless the contrary is shown.

A certificate, signed by the President of the Board of Trade, that any order
made or act done is the order or act of the Board, shall be conclusive evidence of 5
the act so certified.

Approval or
consent of
Board of
Trade.

81. Where this Order provides for any consent or approval of the Board
of Trade, the Board may give such consent or approval subject to terms or
conditions, or may withhold their consent or approval, as in their discretion they
may think fit. All costs and expenses of or incident to any application for any 10
approval, consent, or order of the Board of Trade, including the cost of any
inquiry or tests for the purpose of determining whether the same should be given
or made to such an amount as the Board of Trade shall certify to be due, shall
be borne and paid by the applicant or applicants therefor: Provided always, that
where any approval is given by the Board of Trade to any plan, pattern, or 15
specification, they may require such copies of the same, as they may think fit,
to be prepared and deposited at their office at the expense of the said applicant
or applicants, and may as they think fit, revoke any approval so given, or permit
such approval to be continued, subject to such modifications as they may think
necessary. 20

Notice of
approval of
Board of
Trade, &c., to
be given by
advertisement.

82. Where the Board of Trade, upon the application of the Undertakers, give
any approval or grant any extension of any time limited for the performance of
any duties by the Undertakers, or where the Board of Trade, upon the applica-
tion of the local authority or the Undertakers, revoke this Order as to the whole 25
or any part of the area of supply, notice that such approval has been given, or such
extension of time granted, or such revocation made, shall be published by public
advertisement once at least in each of two successive weeks in some one and
the same local newspaper by the body by whom such application was made as
aforesaid.

Notice of
application for
extension of
time, &c., to be
given to local
authority.

83. Where any application is made to the Board of Trade to extend any time 30
limited for the performance of any duties by the Undertakers, notice of such
application shall be served on the local authority by the Undertakers, and an
opportunity shall be given to the local authority to make representations or
objections with reference thereto.

Recovery and
application of
penalties.

84. All penalties, fees, expenses, and other moneys recoverable under this 35
Order, or under any regulations made under this Order or the principal Act,
the recovery of which is not otherwise specially provided for, may be recovered
summarily in manner provided by the Summary Jurisdiction Acts.

Any penalty recovered on prosecution by an officer of the local authority
shall, if there is an electric inspector for the time being appointed by the 40
local authority, be paid to such officer and by him to the local authority, and
shall be applied in aid of the local rate.

Any penalty recovered on prosecution by any other body or person, or
any part thereof, may, if the court shall so direct, be paid to such body or
person. 45

Liverpool.

85. The Undertakers shall indemnify and save harmless the local authority and all other authorities, bodies, and persons by whom any street is repairable, and all other authorities or bodies having control of any streets, collectively and individually, and their officers and servants from all damages and costs in respect
 5 of any accidents, damages, and injuries happening to property or person through or incidental to the act or default of the Undertakers, or of any person in their employment, by reason or in reasonable consequence of any of the Undertakers' works, or by reason or in reasonable consequence of anything done by the local authority under this Order, and also from all liability to make compensation in
 10 respect of the execution of any of the works authorised by this Order.
86. The Undertakers shall also indemnify and save harmless the local authority and its officers from and against all claims, or actions for damage, or compensation which may or can be made by any owner, lessee, or occupier of property abutting on to the street or portion of the street within the area of
 15 supply, in which the Undertakers require mains, distributing mains, service lines, or other appurtenances to be laid by reason of the works so to be executed by the local authority, damaging or otherwise interfering with the property of such owner, lessee, or occupier.
87. Nothing in this Order shall prevent the Undertakers borrowing money on
 20 the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under
 25 section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.
88. Nothing in this Order shall affect any rights or powers vested in the
 30 Liverpool United Gas Light Company by the Liverpool United Gas Light Company's Act, 1848, and the other Acts relating to the said company, nor affect the powers of the said company, and of the Undertakers respectively under section fifteen of the Electric Lighting Act, 1882.
89. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all
 35 provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.
90. Nothing in this Order shall authorise the Undertakers to interfere in any
 40 manner with the bed or shore of the River Mersey, or the navigation thereof, or affect in any manner the rights, powers, or privileges of the conservators of the said river.
91. Nothing in this Order shall exonerate the Undertakers from any indictment,
 45 action, or other proceedings for nuisance in the event of any nuisance being caused by them.

Undertakers to be responsible for all damages.

Undertakers to indemnify local authority and its officers against claims by owners, &c.

As to mortgages.

Saving clause for Liverpool United Gas Company.

Saving clause for Postmaster-General.

Saving clause as to river Mersey.

Undertakers not exempted from proceedings for nuisance.

*Liverpool.*Provision as to
general Acts.

92. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity, or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

Removal of
existing over-
head wires.

93. Where any electric lines of the Undertakers have been placed above 5 ground before the commencement of this Order, they shall be removed by the Undertakers within a period of one year after such commencement.

If the Undertakers fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of 10 summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as they may think fit.

SCHEDULES.

FIRST SCHEDULE.

15

The area of supply shall include the following portions of the city of Liverpool, namely :—

(1.) So much of the said city as is surrounded by the boundary of the district included in Schedule A of the Liverpool Electric Lighting Order, 1889 (hereinafter called "the said Order"), and by a line drawn from the bottom of Chapel 20 Street, along New Quay and up Queen Street to where it again joins the boundary of the district included in Schedule A of the said Order at Oldhall Street.

(2.) So much of the said city as is surrounded by the boundary of the district included in Schedule A of the said Order, and by a line drawn from the said 25 boundary at the point where it intersects Great Crosshall Street, along Great Crosshall Street to Byrom Street, thence along Byrom Street to the corner of Hunter Street, where it again joins the boundary of the district included in Schedule A of the said Order.

(3.) So much of the said city as is surrounded by the boundary of the districts 30 included in Schedules A and B of the said Order, and by a line drawn from the boundary of the district included in Schedule A of the said Order at the junction of Mill Lane and Hunter Street, along Hunter Street, Christian Street, Islington, Moss Street, Boundary Place, Crown Street, Grove Street, to where it again joins the boundary of the district included in Schedule B of the said Order at 35 the junction of Falkner Street and Grove Street.

(4.) So much of the said city as is surrounded by the boundary of the district included in Schedule B of the said Order, and by a line drawn from the said boundary at the junction of Huskisson Street and Hope Street, along Hope

Street, Upper Parliament Street, Prince's Road, Devonshire Road, Belvidere Road, Ullet Road, Lodge Lane, Croxteth Road, Prince's Avenue, Mulgrave Street, Grove Street, Falkner Square, where it again joins the district included in Schedule B of the said Order.

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Liverpool.

- 5 (5.) So much of the said city as is surrounded by the boundary of the district included in Schedule B of the said Order, and by a line drawn from such boundary at the junction of Great George Street with Duke Street, down Duke Street to the boundary of the district included in Schedule B of the said Order at the junction of Duke Street and Paradise Street.
- 10 Including the houses and buildings on each side, forming part of the said streets, avenues, roads, and places so far as the same are within the said city. Provided that in case of difference between the above description and the area delineated upon the deposited map, the latter shall prevail.

SECOND SCHEDULE.

- 15 So much of the city and parish of Liverpool as is surrounded by a line drawn from the bottom of London Road through
- Commutation Row,
Islington,
Moss Street,
20 Boundary Place,
Pembroke Place and
London Road, where it again joins Commutation Row, and the houses and buildings on each side, forming part of such streets.

THIRD SCHEDULE.

- 25 *List of streets not repairable by the local authority, railways and tramways, which may be broken up by the Undertakers in pursuance of the special powers granted by this Order:—*
- (a.) *Streets:*
All the roads, places, and paths within Prince's Park.
- 30 (b.) *Tramways:*
The tramways owned and repaired by the local authority, and occupied by the Liverpool United Tramways and Omnibus Company.

FOURTH SCHEDULE.

- In this schedule—
- 35 The expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

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SECTION 1.

Liverpool.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter:—

- (a.) For any quantity not exceeding the equivalent of one hundred hours of supply at the maximum power which has been demanded by him at the rate of one shilling per unit. Then 5
- (b.) For any further quantity exceeding the equivalent of one hundred hours but not exceeding that of two hundred hours of supply at such maximum power at the rate of eightpence per unit. And then 10
- (c.) For any further quantity exceeding the equivalent of two hundred hours of supply at such maximum power at the rate of fourpence per unit.

SECTION 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order. 15 20

TOXTETH PARK ELECTRIC LIGHTING.

A.D. 1891.

*Toxteth
Park.*

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Liverpool Electric Supply Company, Limited, in respect of a portion of the Local Government District of Toxteth Park, in the County of Lancaster.

Preliminary.

1. This Order may be cited as the Toxteth Park Electric Lighting Order, Short title.
1891.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act"; and the several words, terms, and expressions to which by the principal Act meanings are assigned, shall have in this Order the same respective meanings, provided that in this Order—

The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882:

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied:

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

The expression "general supply" shall mean the general supply of energy to ordinary consumers, and, unless otherwise specially agreed with the local authority, to the public lamps, but shall not include the supply of energy to any one or more particular consumers under special agreement:

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order:

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Park.*

The expression "county council" shall mean the county council of Lancashire.

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers :

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines :

The expression "telegraphic line," when used with respect to any telegraphic line of the Postmaster-General, shall have the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected :

The expression "railway" shall include any tramroad, that is to say, any tramway other than a tramway as herein-after defined :

The expression "tramway" shall mean any tramway laid along any street :

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof :

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule" shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively :

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade :

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet, with such detail plan and sections as may be necessary.

Commence-
ment of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Address and Description of the Undertakers.

Address and
description of
Undertakers.

4. The Undertakers for the purpose of this Order are the Liverpool Electric Supply Company, Limited, being a company registered under the Companies Acts, 1862 to 1886, with limited liability, and having its registered offices at No. 15, Highfield Street, in the city of Liverpool.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order, or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license, provisional order, or special Act, unless the Undertakers are authorised by Parliament to do so.

If in contravention of this section the Undertakers purchase or acquire any such undertaking or associate themselves with such other company or person the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think just.

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Toxteth Park.

5

Area of Supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red.

Area of supply.

10 6. The Undertakers shall not at any time after the commencement of this Order erect or lay down any electric lines or works in any street beyond the area of supply, otherwise than under the authority of Parliament, or under a license granted by the Board of Trade under the principal Act.

Prohibition of supply beyond area of supply.

15 If the Undertakers erect or lay down electric lines or works in contravention of this section the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

20 7. The Undertakers within a period of six months after the commencement of this Order and before exercising any of the powers by this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

Security for execution of works.

25 The Undertakers shall also, within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of three thousand pounds.

30 If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned, or fail to deposit or secure such sum as aforesaid, the Board of Trade may, after considering any representations which the local authority may make, revoke this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply, upon such terms as they may think just.

35 The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector, to be appointed by the Board of Trade, that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, or at such earlier dates and by such instalments as may be approved by the Board of Trade.

40

Toxteth Park.

Separate
accounts to be
kept of under-
taking.

8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the local authority may make) at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

5

Audit of
Undertakers
accounts.

9. The annual statement of accounts of the undertaking, before being published as provided by section 9 of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the Board of Trade shall appoint, and the remuneration of the auditor shall be such as the Board of Trade shall direct, and the same and all expenses incurred by him in or about the execution of his duties, to such an amount as the Board of Trade shall approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt.

10

The Undertakers shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit, and shall, when required, furnish to him and them all vouchers and information requisite for such purpose, and shall afford to him and them all facilities for the proper execution of his and their duty.

20

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted, or otherwise, for the purpose of giving effect to the provisions of this section.

Any report made by the auditor, or such portion thereof as the Board of Trade shall direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section nine.

25

Nature and Mode of Supply.

Systems and
mode of
supply.

10. Subject to the provisions of this Order and the principal Act, the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act, provided as follows:—

30

(i.) Such energy shall be supplied only by means of some system which shall be approved of by the Board of Trade (after consideration of any representations that the local authority may make), and subject to such regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

35

(ii.) The Undertakers shall not, without the express consent of the local authority and of the Board of Trade, and also, in case of any street not repairable by the local authority, of the body or person by whom such street is repairable, place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply; and

40

(iii.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval.

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*Toxteth
Park.**Works.*

11. Subject to the provisions of this Order and the principal Act, the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets, not repairable by the local authority, and such railways and tramways (if any), as are specified in the Third Schedule, so far as such streets, railways and tramways, may for the time being be included in the area of supply, and be, or be upon land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Powers for
execution of
works.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority, or any railway or tramway, except such streets, railways, or tramways (if any), or such parts thereof, as are specified in the said schedule, without the consent of the authority, company or person by whom such street, railway, or tramway is repairable, or of the Board of Trade under section 13 of the Electric Lighting Act, 1882, and where the Board of Trade give such consent, the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates as if it had been specified in the said schedule.

12. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may construct in any street, such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of such boxes: Provided that no such box or apparatus shall be placed above ground, except with the consent of the local authority, body, or person by whom such street is repairable.

Street boxes.

Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Board of Trade may otherwise order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing, or controlling the supply of energy, or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking; and the Undertakers may place therein meters, switches, and any other suitable and proper apparatus for any of the above purposes.

Every such box, including the upper surface or covering thereof, shall be constructed of such materials, and shall be constructed and maintained by the Undertakers in such manner, as not to be a source of danger whether by reason of inequality of surface or otherwise.

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Park.*

The local authority may with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such boxes, and if the Undertakers during any hours not so prescribed, remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority, they shall be liable to a penalty not exceeding five pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 10

Notice of
works, with
plan, to be
served on the
Postmaster-
General and
local authority.

13. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in, under, along, or across any street or public bridge, the following provisions shall have effect:—

- (a) One month before commencing the execution of such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a notice upon the Postmaster-General and the local authority describing the proposed works, together with a plan of the works, showing the mode and position in which such works are intended to be executed, and the manner in which it is intended that such street or bridge, or any sewer, drain, or tunnel therein or thereunder, is to be interfered with, and shall, upon being required to do so by the Postmaster-General, or the local authority, give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included. 15
- (b) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers. 20
- (c) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapprove of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter, and allow or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same. 25
- (d) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them, he or they shall be deemed to have approved such works and plan. 30
- (e) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been 35

approved by the Postmaster-General and the local authority, or by the Board of Trade, as above mentioned; but where any such works, description and plan are so approved, or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of the principal Act.

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*Toxteth
 Park.*

(f) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Where any street or public bridge is repairable by the county council this section shall be read and construed as if "county council" were substituted for "local authority" wherever that expression occurs.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers works or their supply of energy.

14. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street or part of a street not repairable by the local authority, or county council, or over or under any railway, tramway, or canal, the following provisions shall have effect, unless otherwise agreed between the parties interested:—

As to streets not repairable by local authority or county council, railways, tramways, and canals.

(a) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the "owners," describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

(b) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given to the provisions thereof.

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- (c) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and 5 thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.
- (d) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway, or canal, and may, if he thinks 10 fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible.
- (e) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has 15 been so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this 20 Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.
- (f) All works to be executed by the Undertakers under this section shall be 25 carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works.
- (g) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with the working of or traffic on any tramway over or under which such 30 works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to the owners not less than twenty-four hours notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such 35 reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.
- (h) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other 40 compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty 45 not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance

of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

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15. Any body or person for the time being liable to repair any street or part
5 of a street, or entitled to work any railway or tramway, which the Undertakers
may be empowered to break up for the purposes of this Order, may, if they think
fit, serve a notice upon the Undertakers stating that they desire to exercise or
discharge all or any part of any of the powers or duties of the Undertakers as
therein specified in relation to the breaking up, filling in, reinstating, or making
10 good any streets, bridges, sewers, drains, tunnels, or other works vested in or
under the control or management of such body or person, and may amend or
revoke any such notice by another notice similarly served. Where any such
body or person (in this section referred to as "the givers of the notice") have
given notice that they desire to exercise or discharge any such specified powers
15 and duties of the Undertakers, then so long as such notice remains in force the
following provisions shall have effect, unless otherwise agreed between the parties
interested:—
- (a) The Undertakers shall not be entitled to proceed themselves to exercise
or discharge any such specified powers or duties as aforesaid, except where
20 they have required the givers of the notice to exercise or discharge such
powers or duties, and the givers of the notice have refused or neglected
to comply with such requisition, as herein-after provided, or in cases of
emergency.
- (b) In addition to any other notices which they may be required to give
25 under the provisions of this Order or the principal Act, the Undertakers
shall, not more than four days and not less than two days before the
exercise or discharge of any such powers or duties so specified as
aforesaid is required to be commenced, serve a requisition upon the
givers of the notice stating the time when such exercise or discharge is
30 required to be commenced, and the manner in which any such powers or
duties are required to be exercised or discharged.
- (c) Upon receipt of any such requisition as last aforesaid, the givers of
the notice may proceed to exercise or discharge any such powers or duties
as required by the Undertakers subject to the like restrictions and con-
35 ditions as the Undertakers would themselves be subject to in such
exercise or discharge so far as the same may be applicable.
- (d) If the givers of the notice decline, or for twenty-four hours after the
time when any such exercise or discharge of any powers or duties is by
any requisition required to be commenced, neglect to comply with such
40 requisition, the Undertakers may themselves proceed to exercise or dis-
charge the powers or duties therein specified in like manner as they might
have done if such notice as aforesaid had not been given to them by the
givers of the notice.
- (e) In any case of emergency the Undertakers may themselves proceed to
45 at once exercise or discharge so much of any such specified powers or
duties as aforesaid as may be necessary for the actual remedying of any

Street
authority, &c.,
may give
notice of desire
to break up
streets, &c.,
on behalf of
Undertakers.

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defect from which the emergency arises without serving any requisition on the givers of the notice ; but in such case the Undertakers shall, within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice.

(f) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section, so far as was reasonable under the circumstances.

(g) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers within seven days after delivery of the account thereof, and may be recovered summarily

(h) The givers of the notice may, if they think fit, require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up, filling in, reinstating or making good any such street or part of a street, or any such bridges, sewers, drains, tunnels, or other works, or railway or tramway as in this section mentioned.

As to alteration of pipes, wires, &c., under streets.

16. The Undertakers may alter the position of any pipes (not forming part of any sewer of the local authority), or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order; and any body or person may in like manner alter the position of any electric lines or works of the Undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested :—

(a) One month before commencing any such alterations, the Undertakers or such body or person (as the case may be), in this section referred to as “ the operators,” shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the case may

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be), in this section referred to as "the owners," describing the proposed alterations, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further

5 information in relation thereto as they may desire.

(b) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such

10 notice or plan as aforesaid shall be settled by arbitration; and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(c) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works, so as to avoid interference with any purpose for which such pipes, wires, electric

15 lines, or works are used, so far as may be possible.

(d) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or

20 secure, may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

(e) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such notification as herein-after provided.

(f) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.

45 (g) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject

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to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable.

- (h) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply 5 with such notification, the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.
- (i) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by 10 such operators, and may be recovered summarily.
- (j) Any owners may, if they think fit by any statement served by them under this section upon any operators, not being a local authority, require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations 15 as above mentioned as may be determined in manner provided by this Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.
- (k) If the operators make default in complying with any of the requirements 20 or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not 25 exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was 30 reasonable under the circumstances.

Laying of
electric lines,
&c., near
sewers, &c.,
or gas or water
pipes, or other
electric lines.

17. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the local authority, or any main, pipe, syphon, 35 electric line, or other work belonging to any gas, electric supply, or water company, has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or 40 such gas or water company (as the case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the local authority, or to such gas, electric supply, or water company, or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than three days notice 45 before commencing to dig or sink such trench as aforesaid, and such owners

shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

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Where the operators find it necessary to undermine, but not alter, the position of any pipe, electric line, or work, they shall temporarily support the same in position during the execution of their works, and before completion provide a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line, crossing, or liable to touch any mains, pipes, lines, or services, belonging to any gas, electric supply, or water company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade; and the Undertakers shall not, except with the consent of the gas, electric supply, or water company, as the case may be, and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, lines, or services, or except with the like consent, employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof; and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court, having cognizance of the case, shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions of this section, so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence, pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas; the expression "water company" shall mean any body or person lawfully supplying water or water power; and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this Order.

18. In the exercise of any of the powers of this Order relating to the execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works, or conveniences belonging to any railway company, nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection
of railway
and canal
companies.

19.—(1.) The Undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all

For protection
of telegraphic
and telephonic
wires.

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descriptions, and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down, or placed their electric lines or other works, or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby, such question shall be determined by arbitration; and the arbitrator (unless he is of opinion that such wire or line, not having been so in existence at such time as aforesaid, has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in, or additions to their system, so as to comply with the provisions of this section, and the Undertakers shall make such alterations or additions accordingly.

2. Seven days before commencing to lay down or place any electric line, or to use any electric line in any manner whereby the work of telegraphic, or telephonic, or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line, notice in writing specifying the course, nature, and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used; and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing, or user of such electric line, for the purpose of preventing such injurious affection; and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

If in any case the Undertakers make default in complying with the requirements this section, they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid, if

the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

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(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

10

Compulsory Works.

20.—(1.) The Undertakers shall, within a period of two years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule, and shall thereafter maintain the same.

Mains, &c.,
to be laid down
in streets
specified in
Second
Schedule, and
in remainder of
area of supply.

(2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down), shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them, or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, company or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act, 1882, for the written consent of the Board authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

21. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer, and not for the purposes of general supply, the Undertakers shall serve upon the local authority, and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the Undertakers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require, in accordance with the provisions of this Order, that a supply shall be given to their premises, the necessary distributing main shall be laid

As to laying
of electric
line under
special agree-
ment.

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If Undertakers
fail to lay
down mains,
&c., Order
may be
revoked.

by the Undertakers at the same time as the electric line intended for such particular consumer.

22. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged, they may, after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, or, if the Undertakers so desire, may, after having given an opportunity to the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof, subject to such conditions as they may think fit to impose, and any conditions so imposed shall be binding on and observed by the Undertakers, and shall be of the like force and effect in every respect as though they were contained in this Order.

Manner in
which requisition
is to be
made.

23. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street, may be made by six or more owners or occupiers of premises along such street or part of a street, or, where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority.

Every such requisition shall be signed by the persons making the same, or by the local authority (as the case may be), and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office, and a copy shall be supplied, free of charge, to any owner or occupier of premises within the area of supply, and to the local authority on application for the same, and any requisition so supplied shall be deemed valid in point of form.

Provisions on
requisition by
owners or
occupiers.

24. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom such requisition is signed, stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take, or will guarantee that there shall be taken, a supply of energy for three years, of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not without the authority of the Board of Trade, specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains, and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the

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5 Undertakers an agreement severally executed by such persons or some of them, binding them to take or guaranteeing that there shall be taken, for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

15 If the Undertakers consider that the requisition is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, who after such inquiry, if any, as they shall think fit, may, by order, either determine that the requisition is unreasonable and shall not be binding upon the Undertakers, or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years, and to specify such sum or per-centage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly.

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

30 If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement, such difference shall, subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid, be determined by arbitration.

25. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected, or within fourteen days thereafter, there be tendered to the Undertakers (if required by them) an agreement executed by the local authority, and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Provisions on requisition by local authority.

Supply.

26. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general

Undertakers to furnish sufficient supply of energy to owners and

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Park.*occupiers
within the
area of supply.

supply to private consumers under this Order, or any regulations and conditions, subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following; (that is to say,) 5

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers, although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier. 10 15

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and, 20

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them. 25 30

Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues. 35 40

Provided also, that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner, or uses the energy supplied to 45

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him by the Undertakers for any purposes, or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises so long as such user

5 continues.

Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers or by

10 other persons.

If any difference arises under this section as to any improper use of energy, or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined by arbitration.

27. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except upon one month's notice to the

Maximum
power.

20 Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt.

25 If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises, or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

28. The Undertakers, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations and conditions subject to which they are authorised to supply energy under

Supply of
energy to
public lamps.

35 this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

29. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty

Penalty for
failure to
supply.

40 shillings in respect of every such default for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect

A.D. 1891. of every such default for each such lamp, and for each day on which any such default occurs.

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Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of
charging.

30. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (i.) By the actual amount of energy so supplied; or,
- (ii.) By the electrical quantity contained in such supply; or,
- (iii.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him, or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the local authority by what method they propose to charge for energy supplied through such main; and, if the local authority become the Undertakers under this Order, they shall give the like notice by public advertisement, and where the Undertakers have given any such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

Maximum
prices.

31. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade shall on approving such method determine.

Provided that if the local authority, or the Undertakers shall at any time after the expiration of seven years after the commencement of this Order, make

a representation to the Board of Trade that the prices or methods of charge stated in the said schedule, or approved by the Board of Trade, ought to be altered, the Board of Trade, after such inquiry as they may think fit, may make an order varying the prices or methods of charge stated in the said
5 schedule, or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order, as if they had been stated in the said schedule: Provided also, that the prices and methods of charge for the time being in force may be altered
10 in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

32. Subject to the provisions of this Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned, the Undertakers may
15 make any agreement with a consumer as to the price to be charged for energy, and the mode in which such charges are to be ascertained, and may charge accordingly.

33. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges
20 shall be ascertained, shall be settled by agreement between the local authority and the Undertakers, and, in case of difference, by arbitration, regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district: Provided that in no case shall the price to
25 be charged to the local authority be greater than that specified in the Fourth Schedule.

Electric Inspectors.

34. The local authority, so long as they are not themselves the Undertakers for the purposes of this Order, may appoint, and keep appointed, one or more
30 competent and impartial person or persons to be electric inspectors under this Order.

If no electric inspector is appointed by the local authority, or if the inspection of electric lines and works is imperfectly attended to by the local authority, or if the local authority themselves become the Undertakers for the purposes of
35 this Order, the Board of Trade, on the application of any consumer or of the Undertakers, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

- (a.) The inspection and testing, periodically and in special cases, of the
40 Undertakers' electric lines and works, and the supply of energy given by them;
(b.) The certifying and examination of meters; and

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Other charges
by agreement.

Price to public
lamps.

Appointment
of electric
inspectors.

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(c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The local authority, with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and such fees shall be accounted for and applied as may be directed by the local authority or the Board of Trade, as the case may be. 5

Remunera-
tion of
electric
inspectors.

35. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine, and such remuneration may be in addition to, or in substitution for, any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act, according as the local authority shall so determine. 15

Inquiry by
Board of
Trade.

36. The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works, or as to the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with by the Undertakers; and any person appointed under this section, not being an electric inspector, shall for the purposes of his appointment have all the powers of an electric inspector under this Order. 20 25

Testing and Inspection.

Testing of
mains.

37. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but except under the provisions of a special order in that behalf made by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade. 30 35 40

Testing of
works and
supply on

38. An electric inspector, if and when required to do so by any consumer, shall on payment by the consumer of the prescribed fee, test the variation of

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 consumer's
 premises.

electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order, and
 5 the regulations and conditions subject to which they are for the time being authorised to supply energy.

39. The Undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost and keep in proper condition such reasonable number of testing stations as the local authority,
 10 or, where the local authority are the Undertakers, as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall at their own cost connect such stations by means of proper and sufficient electric lines with
 15 such mains, and supply energy thereto for the purpose of such testing free of charge.

If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any
 20 excessive or improper use of energy for such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

40. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper
 25 instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence.

41. The Undertakers shall keep in efficient working order all instruments
 30 which they are required by or under this Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be
 35 receivable in evidence.

42. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the same are
 40 not in order he may require the Undertakers forthwith to have the same put in order.

43. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or
 Representation of Undertakers at testings.

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to give
facilities for
testing.

other agent, but such officer or agent shall not interfere with the testing or inspection.

44. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound. 5

Report of
results of
testing.

45. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the local authority, Board of Trade, or consumer (as the case may be), by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence. 10 15

If the Undertakers, the local authority, or any consumer are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties. 20

Expenses of
electric
inspector.

46. Save as otherwise provided by this Order, or by any regulations under this Order, all fees and reasonable expenses of an electric inspector shall, unless agreed, be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade, and shall be paid by the Undertakers. 25

Provided that where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, such fees and expenses shall on being ascertained as above-mentioned, be paid by such consumer or consumers as the court or Board, having regard to such report or decision, shall direct, and may be recovered summarily as a civil debt. 30

Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

Meters.

35

Meters to be
used except by
agreement.

47. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter, duly certified under the provisions of this Order. 40

Meter to be
certified.

48. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this

Order to be a correct meter, and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade; and every such meter is in this Order referred to as a "certified meter": Provided that where any
 5 alteration is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines, such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

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49. Every electric inspector on being required to do so by the Undertakers
 10 or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value of the supply, and shall certify the same as a certified meter if he considers it entitled to be so certified.

Inspector to
certify meters.

50. Where the value of the supply is under this Order required to be ascer-
 15 tained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and
 20 empower any officer or person to enter upon such premises and execute all necessary works and do all necessary acts; provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or (if he desires to hire such meter) may require him to enter into
 25 an agreement for the hire of such meter as hereinafter provided.

Undertakers
to supply
meters if
required to
do so.

51. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line, unless he has given to the Undertakers not less
 30 than forty-eight hours notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Meters not to
be connected
or disconnected
without notice.

52. Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is under this Order to be
 35 ascertained, in proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

Consumer to
keep his meter
in proper
order.

The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing,
 40 inspecting, and replacing, and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

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Power to the
Undertakers to
let meter.

53. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, and any other apparatus required for their undertaking for such remuneration in money, and on such terms with respect to the repair of such meter or apparatus and fittings, and for securing the safety and return to the Undertakers of such meter or apparatus and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt. 5

Undertakers
to keep meter
let for hire in
repair.

54. The Undertakers shall, unless the agreement of hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers. 10 15

Differences as
to correctness
of meter to be
settled by
inspector.

55. If any difference arises between any consumer and the Undertakers as to whether any meter, whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined upon the application of either party by an electric inspector, or, where the local authority are the consumers, by an inspector to be appointed by the Board of Trade, who shall also order which of the parties shall pay the costs of and incidental to the proceedings before him, and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid, the register of the meter shall be conclusive evidence, in the absence of fraud, of the value of the supply. 20 25 30

Undertakers to
pay expenses
of providing
new meters
where method
of charge
altered.

56. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the Undertakers change the method of charging for energy supplied by them from such main, the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt. 35 40

Undertakers
may place
meters to
measure supply
or to check
measurement
thereof.

57. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum amount of such supply or any other quantity or time connected therewith: Provided that such meter or apparatus shall be of some construction 45

and pattern, and shall be fixed and connected with the service lines in some manner approved by the Board of Trade, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall 'not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

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*Toxteth Park.**Maps.*

58. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply, and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also, if so required by the Board of Trade, the local authority, or the Postmaster-General, cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Map of area
of supply to
be made and
deposited.

Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the Undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof, taken by such applicant, as they may prescribe.

The Undertakers shall, if so required by the Board of Trade, the local authority, or the Postmaster-General, supply to them or him a copy of any such map or section, and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

35 *Special Provisions in case of Transfer.*

59. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

Application
of moneys
received by
local
authority as
Undertakers.

(A.) All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money, (b) money arising from the disposal of lands acquired for the purposes of this Order, and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order, shall be applied by them as follows:—

(i.) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties, and damages incurred or payable by the Undertakers

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consequent upon any proceedings by or against the Undertakers, their officers or servants in relation to the undertaking.

- (ii.) In payment of the interest or dividend on any mortgages, stock, or securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes. 5
- (iii.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.
- (iv.) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital.
- (v.) In providing a reserve fund, if they think fit, by setting aside such 10 money as they may from time to time think reasonable, and investing the same and the resulting income thereof in Government securities, or in any other securities in which trustees are by law for the time being authorised to invest, other than stock or securities of the Undertakers, and accumulating the same at compound interest until the fund 15 so formed amounts to one tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking, or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the under- 20 taking, and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund, when amounting to the prescribed limit, 25 to the credit of the local rate as defined by the principal Act, or at their option shall apply such surplus, or some part thereof, to the improvement of the borough and public benefit of the inhabitants, or in reduction of the capital moneys borrowed for electricity purposes.

Provided always, that if the surplus in any year exceed five pounds per 30 centum per annum upon the aggregate capital expenditure on the undertaking, the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local 35 authority.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

- (B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of 40 rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking, shall be applied by them as follows:—
 - (i.) In the reduction of the capital moneys borrowed by them for electricity purposes;
 - (ii.) In the reduction of the capital moneys borrowed by them for 45 other than electricity purposes.

60. If the local authority become the Undertakers for the purposes of this Order, the following provision shall have effect :—

Toxteth Park.

Purchase and use of lands.

Subject to the provisions of this Order and the principal Act, the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section, which may not for the time be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres, except with the consent of the Board of Trade.

Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

61. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act" shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers.

Incorporation of sections 264 and 265 of "Public Health Act, 1875."

30 *Notices, &c.*

62. Notices, orders, and other documents under this Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the local authority, the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

Notices, &c., may be printed or written.

63. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively :—

Service of notices, &c.

- (a) In the case of the Board of Trade, the office of the Board of Trade;
- (b) In the case of the Postmaster-General, the General Post Office;
- (c) In the case of any county council, the office of such council;
- (d) In the case of any local authority, the office of such local authority;

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Park.*

(e) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company ;

(f) In the case of a company having an office or offices, but no registered office, the principal office of that company ; 5

(g) In the case of any other person, the usual or last known place of abode of such person.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description. 10

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises. 15

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works, or the performance of any duty or act, is less than seven days, the following days shall not be reckoned in the computation of such time ; that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the "Bank Holiday Act, 1871," and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving. 20 25

Revocation of Order.

Revocation of
Order where
Undertakers
are insolvent.

64. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade may after such inquiry as they may think necessary, and after considering any representations of the local authority, revoke this Order as to the whole, or with the consent of the Undertakers, as to any part of the area of supply. 30 35

Revocation of
Order where
undertaking
cannot be
carried on with
profit.

65. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers and of the local authority) as to any part of the area of supply. 40

66. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just.

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Revocation of Order with consent.

Provisions where Order revoked.

5 67. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect:—

10 (a) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine.

15 (b) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking or such part thereof as aforesaid upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by them for
20 the purposes of the undertaking or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act.

25 (c) Where any purchase is so effected, the undertaking, or part thereof so purchased, shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the Undertakers or attaching to the undertaking; and the revocation of this Order, as to the whole of the area of supply, or such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obligations
30 of the Undertakers from whom the undertaking, or such part thereof as aforesaid, is purchased in relation to the supply of energy within such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority.

35 (d) Where no purchase has been effected under the preceding provisions of this section, the local authority, and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed, may (subject, however, to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forth-
40 with remove such works with all reasonable care, and the Undertakers shall pay to the local authority, or other such body or person as aforesaid, such reasonable costs of such removal, and of the reinstatement of such street or part of a street as may be specified in a notice to be served on
45 the Undertakers by such local authority or other body or person, or (if so

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required by the Undertakers, within one week after the service of such notice upon them), as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice, or the delivery of the award of the arbitrator (as the case may be), the local authority, or other such body or person as aforesaid may, without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit; and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

- (e) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers by this Order granted to the Undertakers, or for any expenses to which such local authority, body, or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid, shall be determined by an arbitrator, to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

General.

Remedying of
system and
works.

68. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth or have placed any electric line above ground in contravention of this Order, or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order, or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety, or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within

such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited, they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

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- 5 The Board of Trade may if they think fit, by the same or any other order also, made upon any such representation as aforesaid, forbid the use of such electric line or work as from such date as may be specified in that behalf until the order is complied with, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden, they shall be liable to a penalty not
- 10 exceeding one hundred pounds for every day during which such user continues.

If the Undertakers supply energy by means of a system not approved by the Board of Trade, and fail to comply with any order made under this Order in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

- 15 69. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking, and for the time being in force, shall, within one month after the same as made or last altered have come into force, be printed at the expense of the Undertakers, and a true copy thereof, certified by or on behalf of the Undertakers, shall be forthwith served upon
- 20 the local authority and like copies shall also be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

Publication of
regulations.

- If the Undertakers make default in complying with the provisions of this section, they shall be liable to a penalty not exceeding five pounds, and to a daily
- 25 penalty not exceeding five pounds.

70. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default of agreement may be determined, on the application of either party, by a court
- 30 of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on
- 35 every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Nature and
amount of
security.

71. All things required or authorised under this Order to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a
- secretary or assistant secretary of the Board.

Proceedings
of Board of
Trade.

- 40 All documents purporting to be orders made by the Board of Trade, and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

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Park.*Approval or
consent of
Board of
Trade.

A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the act so certified.

72. Where this Order provides for any consent or approval of the Board of Trade, the Board may give such consent or approval subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit. 5

All costs and expenses of or incident to any application for any approval, consent, or order of the Board of Trade, including the cost of any enquiry or tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made, to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same, as they may think fit, to be prepared and deposited at their office at the expense of the said applicant or applicants, and may, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary. 10 15

Notice of
approval of
Board of Trade
&c., to be
given by
advertisement.

73. Where the Board of Trade, upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or where the Board of Trade, upon the application of the local authority or the Undertakers revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid. 20 25

Notice of
application for
extension of
time, &c., to
be given to
local authority.

74. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers, notice of such application shall be served on the local authority by the Undertakers, and an opportunity shall be given to the local authority to make representations or objections with reference thereto. 30

Recovery and
application of
penalties.

75. All penalties, fees, expenses and other moneys recoverable under this Order, or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts. 35

Any such penalty recovered on prosecution by an officer of the local authority, shall, if there is an electric inspector for the time being appointed by the local authority, be paid to such officer and by him to the local authority, and shall be applied in aid of the local rate. 40

Any such penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court shall so direct, be paid to such body or person.

*Toxteth
Park.*Undertakers to
be responsible
for all damages.

76. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers works, and shall save harmless all authorities, bodies and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

77. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section 2 of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

As to mort-
gages.

78. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving clause
for Postmaster-
General.

79. Nothing in this Order shall authorise the Undertakers to interfere in any manner with the bed or shore of the River Mersey, or the navigation thereof, or effect in any manner the rights, powers, or privileges of the Conservators of the River Mersey.

Saving clause
as to river.

80. Nothing in this Order shall exonerate the Undertakers from any indictment, action or other proceedings for nuisance in the event of any nuisance being caused by them.

Undertakers
not exempted
from proceed-
ings for
nuisance.

81. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of, or deprive the Undertakers of the benefits of any general Act relating to electricity, or to the supply of or price to be charged for energy, which may be passed after the commencement of this Order.

Provision as to
general Acts.

35 *Temporary Provisions.*

82. Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except so far as the placing thereof above ground is permitted by this Order), they shall be removed by the Undertakers within a period of one year after such commencement.

Removal of
existing
overhead
wires.

40 If the Undertakers fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as they may think fit.

*Toxteth
Park.*Future
extension of
area of supply.

83. The local authority may at any time, with the approval of the Board of Trade after such inquiry as the Board may deem necessary, serve a requisition upon the Undertakers requiring them to apply for a provisional order extending the area of supply to the whole of the district of the local authority, and if the Undertakers make default in obtaining such provisional order, the Board of 5 Trade may revoke this Order upon such terms as they may think just.

SCHEDULES.

FIRST SCHEDULE.

Area of Supply.

So much of the Local Government District of Toxteth Park in the county 10 of Lancaster as is surrounded by a line drawn from the junction of Croxteth Road with Lodge Lane down Croxteth Road, Ullet Road to the junction of Ullet Road with Greenbank Drive, thence along Greenbank Drive, Mossley Hill Drive, Aigburth Road, Ullet Road, Lodge Lane, where it again joins Croxteth Road including in all cases the houses and buildings on both sides of 15 the said Streets Drives and Roads so far as the same are within the said Local Government District of Toxteth Park.

Provided that in case of difference between the above description and the area delineated upon the deposited map the latter shall prevail.

SECOND SCHEDULE.

20

List of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order:—

Croxteth Road and Ullet Road.	Linnet Lane,
Alexandra Drive.	Lark Lane.
Parkfield Road.	

25

THIRD SCHEDULE.

List of streets not repairable by the local authority, railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order:—

- (a.) All the Roads, Drives, and Paths within Sefton Park.
- (b.) Railways—None.
- (c.) Tramways—None.

30

FOURTH SCHEDULE.

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Park.*

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

5

Section 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter :—

10 (a.) For any quantity not exceeding the equivalent of one hundred hours of supply at the maximum power which has been demanded by him at the rate of one shilling per unit. Then

(b.) For any further quantity exceeding the equivalent of one hundred hours, but not exceeding that of two hundred hours of supply at such maximum power, at the rate of eightpence per unit. And then

15 (c.) For any further quantity exceeding the equivalent of two hundred hours of supply at such maximum power, at the rate of fourpence per unit.

Section 2.

20 Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

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WHITEHAVEN ELECTRIC LIGHTING.

Whitehaven.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Trustees of the Town and Harbour of Whitehaven in respect of the Town of Whitehaven in the County of Cumberland.

5

Preliminary.

Short title. 1. This Order may be cited as the Whitehaven Electric Lighting Order 1891.

Interpretation. 2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order—

15

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882 ;

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied ;

20

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply ;

25

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers ;

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply ;

30

The expression "general supply" shall mean the general supply of energy to ordinary consumers but shall not include the supply of energy to any one or more particular consumers under special agreement ;

35

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order ;

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers ;

40

The expression "consumer's terminals" shall mean the ends of electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines ;

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected;

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Whitehaven.

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined;

The expression "tramway" shall mean any tramway laid along any street;

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof;

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively;

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade.

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commence-
ment of Order.

25 *Description of the Undertakers.*

4. Subject to the provisions of this Order the Undertakers for the purpose of this Order shall be the Trustees of the Town and Harbour of Whitehaven.

Description of
Undertakers.

Area of Supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule (which said area is more particularly delineated upon the deposited map and thereon coloured red).

Area of supply.

Nature and Mode of Supply.

6. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided as follows:—

Systems and
mode of
supply.

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

(2.) The Undertakers shall not without the express consent of the Board of Trade place any electric line above ground except within premises in the

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sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply; and

- (3.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations and conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions (if any) of such approval.

Lands.

Purchase and
 use of lands.

7. Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres, except with the consent of the Board of Trade.

Provided also that the Undertakers shall not, except with the consent of the Local Government Board take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the 15th day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Works.

Powers for
 execution of
 works.

8. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the

consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section 13 of the Electric Lighting Act 1882 and where the Board of Trade give such consent

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the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

9. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes.

Street boxes.

10 Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

10. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect:—

Notice of works with plan to be served on the Postmaster-General.

(A) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge is to be interfered with and shall upon being required to do so by the Postmaster-General give him any such further information in relation thereto as he may desire.

(B) The Postmaster-General may in his discretion approve of any such works or plan subject to such amendment or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers;

(C) Where the Postmaster-General approves any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapproves of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same;

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- (D) If the Postmaster-General fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon him he shall be deemed to have approved such works and plan;
- (E) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and the principal Act;
- (F) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Where any street or public bridge is repairable by the county council the Undertakers shall serve a like notice and plan upon the county council in addition to those served upon the Postmaster-General and the foregoing provisions of this section shall, with the necessary modifications, apply to the county council in like manner as to the Postmaster-General.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers works or their supply of energy.

As to streets not repairable by local authority or county council railways tramways and canals.

11. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in or across any street or part of a street not repairable by the local authority or county council or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested:—

- (A) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person

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liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be in this section referred to as "the owners") describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire ;

(B) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof ;

(C) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly ;

(D) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may (if he thinks fit) require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible ;

(E) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as hereinbefore mentioned or as may be agreed upon between the parties ;

(F) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works ;

(G) Where the repair renewal or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the works and the Undertakers shall conform to such reasonable requirements as may from time to time be made by the owners

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or such officer The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act ;

- (H) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Street
authority &c.
may give notice
of desire to
break up
streets &c.
on behalf of
Undertakers.

12. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served. Where such body or person as aforesaid (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested :—

- (A) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as hereinafter provided or in cases of emergency ;
- (B) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged ;
- (C) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions

as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable; A.D. 1891.

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- (D) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice;
- (E) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice;
- (F) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances;
- (G) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily.
- Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

13. The Undertakers may alter the position of any pipes or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested:—

As to alteration of pipes wires &c. under streets.

- (A.) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as

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"the operators" shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as "the owners" describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being 5 required to do so by any such owners give them any such further information in relation thereto as they may desire ;

- (b.) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to 10 compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly ;
- (c.) In settling any question under this section an arbitrator shall have 15 regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible ; 20
- (d.) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying 25 or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may 30 have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties ;
- (e.) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves 35 and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided ; 40
- (f.) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which 45 such alterations are required to be made ;

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- (g.) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable;
- (h.) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them;
- (i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily.
- (j.) Any owners may if they think fit by any statement served by them under this section upon any operators not being a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given;
- (k.) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

14. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as "the operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as "the owners" not less than three days notice before commencing to dig or sink such trench as aforesaid

Laying of
electric lines
&c. near gas or
water pipes
or other
electric lines.

A.D. 1891: and such owners shall be entitled by their officer to superintend the work and
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time to time be made by the owners or such officer for protecting from injury
every such main pipe syphon electric line or work and for securing access thereto
and they shall also if required to do so by the owners thereof repair any 5
damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the
position of any pipe electric line or work they shall temporarily support the
same in position during the execution of their works and before completion
provide a suitable and proper foundation for the same where so undermined. 10

Where the operators (being the Undertakers) lay any electric line crossing
or liable to touch any mains pipes lines or services belonging to any gas electric
supply or water company the conducting portion of such electric line shall be
effectively insulated in a manner approved by the Board of Trade and the
Undertakers shall not except with the consent of the gas electric supply or 15
water company as the case may be and of the Board of Trade lay their electric
lines so as to come into contact with any such mains pipes lines or services or
except with the like consent employ any such mains pipes lines or services as
conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be 20
determined by arbitration.

If the operators make default in complying with any of the requirements or
restrictions of this section they shall make full compensation to all owners
affected thereby for any loss damage penalty or costs which they may incur by
reason thereof and in addition thereto they shall be liable to a penalty not 25
exceeding ten pounds for every such default and to a daily penalty not exceed-
ing five pounds: Provided that the operators shall not be subject to any
such penalty if the court having cognizance of the case shall be of opinion
that the case was one of emergency and that the operators complied with
the requirements and restrictions of this section so far as was reasonable 30
under the circumstances or that the default in question was due to the fact
that the operators were ignorant of the position of the main pipe syphon electric
line or work affected thereby and that such ignorance was not owing to any
negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall 35
mean any body or person lawfully supplying gas the expression "water
company" shall mean any body or person lawfully supplying water or water
power and the expression "electric supply company" shall mean any body or
person supplying energy under the principal Act but not under this Order.

For protection
of railways and
canals.

15. In the exercise of any of the powers of this Order relating to the 40
execution of works the Undertakers shall not in any way injure the railways
tunnels arches works or conveniences belonging to the owners of any railway
or canal nor obstruct or interfere with the working of the traffic passing along
any railway or canal.

For protection
of telegraphic
and telephonic
wires.

16.—(1.) The Undertakers shall take all reasonable precautions in con- 45
structing laying down and placing their electric lines and other works of all

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descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line
5 be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the
10 working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers
15 to make any alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic
20 or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is
25 intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying
30 placing or user of such electric line for the purpose of preventing such injurious affection and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with
35 respect to the reasonableness of any requirements so made such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric lines so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

40 (3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty
45 shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of

A.D. 1891. *Whitehaven.* opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers. 5

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

10

Mains &c.
to be laid down
in streets specified
in Second
Schedule and
in remainder
of area of
supply.

17.—(1) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule and shall thereafter maintain the same. 15

(2) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner by this Order provided. 20

All such mains as last above mentioned unless already laid down shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade. 25

(3) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority company or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf. 30

If Undertakers
fail to lay
down mains
&c. Order
may be re-
voked.

18. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively the Board of Trade may revoke this Order as to the whole or (with the consent of the Undertakers) any part of the area of supply or if the Undertakers so desire may suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order. 35 40

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19. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street.

Manner in which requisition is to be made.

5 Every such requisition shall be signed by the persons making the same and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply on application for the same and any requisition so
10 supplied shall be deemed valid in point of form.

20. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they decline to be bound by such
15 requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary
20 consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or
25 additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Provisions on requisition by owners or occupiers.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected or in case of difference
30 the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the
35 sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

40 If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry (if any) as they shall think fit may by order either determine that the requisition is
45 unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken

A.D. 1891. for such longer period than three years and to specify such sum or per-centage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly. In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade. 5

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If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade be determined by arbitration. 10

Supply.

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

21. The Undertakers shall upon being required to do so by the owner or occupier of any premises situated within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following that is to say :— 15 20

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric line as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier. 25

Every owner or occupier of premises requiring a supply of energy shall— 30
Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence ; and 35

Enter into a written contract with the Undertakers if required by them so to do to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by 40

them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

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5 Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier
10 has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

15 Provided also that if the owner or occupier of any such premises as afore-said uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may (if they think fit) discontinue to supply energy to such premises so long as such user
20 continues.

25 Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

22. The maximum power with which any such consumer shall be entitled
30 to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice
35 to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt.

40 If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

23. Whenever the Undertakers make default in supplying energy to any
45 owner or occupier of premises to whom they may be and are required to

Penalty for
failure to
supply.

A.D. 1891. supply energy under this Order they shall be liable to a penalty not exceeding
 Whitehaven. forty shillings in respect of every such default for each day on which any
 such default occurs.

Whenever the Undertakers make default in supplying energy in accordance
 with the terms of any regulations and conditions subject to which they are
 authorised to supply energy under this Order they shall be liable to such
 penalties as may by such regulations and conditions be prescribed in that
 behalf.

Provided that the penalties to be inflicted on the Undertakers under this
 section shall in no case exceed in the aggregate the sum of fifty pounds
 in respect of any defaults not being wilful defaults on the part of the
 Undertakers for any one day and provided also that in no case shall any
 penalty be inflicted in respect of any default if the court having cognizance
 of the case shall be of opinion that such default was caused by inevitable
 accident or force majeure or was of so slight or unimportant a character as
 not materially to affect the value of the supply.

Price.

Methods of
 charging.

24. The Undertakers may charge for energy supplied by them to any
 ordinary consumer (otherwise than by agreement)—

- (1) By the actual amount of energy so supplied; or
- (2) By the electrical quantity contained in such supply; or
- (3) By such other method as may for the time being be approved by the
 Board of Trade.

Provided that where the Undertakers charge by any method so approved
 by the Board of Trade any consumer who objects to that method of charge
 may by one month's notice in writing require the Undertakers to charge him at
 their option by the actual amount of energy supplied to him or by the electrical
 quantity contained in such supply and thereafter the Undertakers shall not
 except with the consumer's consent charge him by any other method.

Provided also that before commencing to supply energy through any dis-
 tributing main for the purposes of general supply the Undertakers shall by
 public advertisement give notice by what method they propose to charge for
 energy supplied through such main and where the Undertakers have given any
 such notice they shall not be entitled to change such method of charging except
 after one month's notice of such change has been given by them to every
 consumer who is supplied by them from such main.

Maximum
 prices.

25. The prices to be charged by the Undertakers for energy supplied by
 them shall not exceed those stated in that behalf in the Fourth Schedule in
 the first and second sections thereof respectively or in the case of a method of
 charge approved of by the Board of Trade such price as the Board shall on
 approving such method determine.

Other charges
 by agreement.

26. Subject to the provisions of this Order and the principal Act and to
 the right of the consumer to require that he shall be charged according to some

one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

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Electric Inspectors.

5 27. The Board of Trade, on the application of any consumer or of the Undertakers, may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

Appointment
of electric
inspectors.

The duties of an electric inspector under this Order shall be as follows :—

- 10 (A) The inspection and testing periodically and in special cases of the Undertakers' electric lines and works and the supply of energy given by them ;
- (B) The certifying and examination of meters ; and
- 15 (C) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The Board of Trade may prescribe the fees to be taken by an electric inspector and the manner in which and the times at which his duties are to be performed.

20 28. The Undertakers shall pay to every electric inspector appointed under this Order such reasonable remuneration (if any) as may be determined by the Board of Trade, and such remuneration may be in addition to or in substitution for any fees which are directed to be paid to electric inspectors for services rendered by them under this Order or any regulations of the Board of Trade made in pursuance of this Order as may be settled by such Board

25 and where any such remuneration is settled to be in substitution for fees any fees payable by any party other than the Undertakers shall in lieu of being paid to such electric inspector for his own use be due and paid to him on behalf and for the use of the Undertakers and shall be carried by them to the credit of the local rate.

Remuneration
of electric
inspectors.

30 29. The Board of Trade may if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers works or as to the manner and extent in and to which the provisions of this Order and the principal Act and

35 of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

Inquiry by
Board of
Trade.

40 *Testing and Inspection.*

30. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the

Testing of
mains.

A.D. 1891. *Whitehaven.* inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains : Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. 5

Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade. 10

Testing of
works and
supply on
consumer's
premises.

31. An electric inspector if and when required to do so by any consumer shall on payment by such consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy. 15 20

Undertakers
to establish
testing
stations.

32. A Court of summary jurisdiction may upon the application of any ten consumers direct the Undertakers at their own cost to establish at such places within a reasonable distance from a distributing main and keep in proper condition such reasonable number of testing stations as the Court shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and thereupon the Undertakers shall establish such testing places, and provide thereat such proper and suitable instruments of a pattern to be approved by the Board of Trade as the Court may direct, and they shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing. 25 30

Undertakers
to keep instru-
ments on their
premises.

33. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence. 35

Readings of
instruments to
be taken.

34. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may examine and record the readings of such instruments and any readings so recorded shall be receivable in evidence. 40

Electric in-
spector in-
spect Under-
takers instru-
ments.

35. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the 45

same are not in order he may require the Undertakers forthwith to have the same put in order. A.D. 1891.

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Representation
of Undertaker
at testings.

36. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or other agent but such officer or agent shall not interfere with the testing or inspection.

37. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

Undertakers to
give facilities
for testing.

38. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the Board of Trade or consumer as the case may be by whom he was required to make such testing and also to the Undertakers and such report shall be receivable in evidence.

Report of
results of
testing.

If the Undertakers or any consumer are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties.

39. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by the Board of Trade and shall be paid by the Undertakers and may be recovered summarily as a civil debt.

Expenses of
electric
inspector.

Provided that when the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the Board of Trade having regard to such report or decision shall direct and may be recovered summarily as a civil debt.

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court may direct.

Meters.

40. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meters to be
used except
by agree-
ment.

A.D. 1891.

*Whitehaven.*Meter to be
certified.

41. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter": Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

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Inspector to
certify
meters.

42. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

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Undertakers
to supply
meters if
required to
do so.

43. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises and execute all necessary works and do all necessary acts provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or if he desires to hire such meter may require him to enter into an agreement for the hire of such meter as herein-after provided.

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Meters not to
be connected
or disconnected
without notice.

44. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours notice in writing of his intention so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

30

Consumer to
keep his meter
in proper
order.

45. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

35

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but

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if the same be in proper order all expenses connected therewith shall be paid by the Undertakers. A.D. 1891.

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Power to the Undertakers to let meters.

46. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

47. The Undertakers shall unless the agreement of hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Undertakers to keep meter let for hire in repair.

48. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector who shall order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Difference as to correctness of meter to be settled by inspector.

49. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers to pay expenses of providing new meters where method of charge altered.

50. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the

Undertakers may place meters to measure supply or to check measurement thereof.

A.D. 1891. service lines in some manner approved by the Board of Trade and shall be
Whitchaven. supplied and maintained entirely at the cost of the Undertakers and shall
 not (except by agreement) be placed otherwise than between the mains of the
 Undertakers and the consumer's terminals.

Maps.

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Map of area of
 supply to be
 made and
 deposited.

51. The Undertakers shall forthwith after commencing to supply energy
 under this Order cause a map to be made of the area of supply and shall cause
 to be marked thereon the line and the depth below the surface of all their then
 existing mains service lines and other underground works and street boxes and
 shall once in every year cause such map to be duly corrected so as to show 10
 the then existing lines. The Undertakers shall also if so required by the
 Board of Trade or the Postmaster-General cause to be made sections showing
 the level of all their existing mains and underground works other than service
 lines. The said map and sections shall be on such scale or scales as the Board
 of Trade shall prescribe. 15

Every map and section so made or corrected or a copy thereof marked
 with the date when it was so made or last corrected shall be kept by the
 Undertakers at their principal office within the area of supply and shall at
 all reasonable times be open to the inspection of all applicants and such
 applicants may take copies of the same or any part thereof. 20

The Undertakers may demand and take from every such applicant as aforesaid
 such fee not exceeding one shilling for each inspection of such map section or
 copy and such further fee not exceeding five shillings for each copy of the same
 or any part thereof taken by such applicant as they may prescribe.

The Undertakers shall if so required by the Board of Trade or the Post- 25
 master-General supply to them or him a copy of any such map or section, and
 cause such copy to be duly corrected so as to agree with the original or originals
 thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this
 section with respect to maps and sections they shall for every such offence be 30
 liable to a penalty not exceeding ten pounds and to a daily penalty not
 exceeding two pounds.

Application of Moneys Received.

Application
 of revenue.

52. All moneys received by the Undertakers in respect of the undertaking
 except (a) borrowed money (b) money arising from the disposal of lands acquired 35
 for the purposes of this Order and (c) money not of the nature of rent received
 by them in respect of any transfer under the provisions of this Order shall be
 applied by them as follows:—

- (1) In payment of the working and establishment expenses and cost of
 maintenance of the undertaking including all costs expenses penalties and 40
 damages incurred or payable by the Undertakers consequent upon any
 proceedings by or against the Undertakers their officers or servants in
 relation to the undertaking;

(2) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes; A.D. 1891.
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5 (3) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes;

(4) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital;

10 (5) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest (other than stock or securities of the Undertakers) and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking which fund
15 shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so
20 from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or some part thereof to the improvement of the
25 district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceeds five pounds per centum per annum upon the aggregated capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the
30 supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the Undertakers.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

35 53. All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:— Application of
capital moneys.

40 (1) In the reduction of the capital moneys borrowed by them for electricity purposes;

(2) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

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*Notices &c.**Whitehaven.*Notices &c.
may be
printed or
written.Service of
notices &c.

54. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the Undertakers the signature thereof by their clerk or surveyor shall be sufficient authentication. 5

55. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively :—

- (A) In the case of the Board of Trade the office of the Board of Trade; 10
- (B) In the case of the Postmaster-General the General Post Office;
- (C) In the case of any county council the office of such council;
- (D) In the case of any local authority the office of such local authority;
- (E) In the case of any company having a registered office the registered office of such company; 15
- (F) In the case of a company having an office or offices but no registered office the principal office of such company;
- (G) In the case of any other person the usual or last known place of abode of such person.

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description. 20

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises. 25

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time that is to say Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving. 30 35

*Revocation of Order.*Revocation
where works
not executed.

56. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made default in executing works or supplying energy in accordance with the provisions of this Order the Board of Trade may after such inquiry as they may think necessary revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as the Board of Trade may seem just. 40

57. In addition to any powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers upon such terms as the Board of Trade may think fit.

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Revocation of
Order with
consent.

Provisions
where Order
revoked.

58. If the Board of Trade at any time revoke this Order as to the whole or
5 any part of the area of supply any persons who may be liable to repair any
street or part of a street within such area or part thereof in which any works
of the Undertakers may have been placed may forthwith remove such works
with all reasonable care and the Undertakers shall pay to such persons such
reasonable costs of such removal as may be specified in a notice to be served on
10 the Undertakers by such persons or if so required by the Undertakers
within one week after the service of such notice upon them as may be settled
by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one
month after the service upon them of such notice or the delivery of the award
15 of the arbitrator as the case may be such persons as aforesaid may without
any previous notice to the Undertakers (but without prejudice to any other
remedy which they may have for the recovery of the amount) sell and dispose
of any such works as aforesaid either by public auction or private sale and for
such sum or sums and to such person or persons as they may think fit and
20 may out of the proceeds of such sale pay and reimburse themselves the amount
of the costs so specified or settled as aforesaid and of the costs of sale and the
balance (if any) of the proceeds of the sale shall be paid over by them to the
Undertakers.

Transfer of Powers, &c.

25 59.—(1.) At any time after the commencement of this Order the Under-
takers may with the consent of the Board of Trade by deed to be approved
by the Board of Trade transfer their powers duties liabilities and works to
any company or person subject to such exceptions and modifications (if any)
and for such period and upon such terms as may be specified therein and either
30 as to the whole or any part or parts of the area of supply and during the said
period but subject to the provisions of this Order such company or person
shall to the extent of the powers duties and liabilities so transferred be the
Undertakers for the purposes of this Order.

Transfer of
powers &c.

(2.) One month at least before any draft deed is submitted to the Board of
35 Trade for their approval under this section notice of the intention to make
such transfer shall be published by the Undertakers by advertisement and a
copy of the said draft deed shall be deposited for public inspection during office
hours at the principal office of the Undertakers within the area of supply and
printed copies thereof shall be supplied to every person demanding the same at
40 a price not exceeding sixpence for each copy.

(3.) Every such advertisement shall contain the following particulars :—

- (a.) The area in respect of which the transfer is proposed to be made ;
- (b.) The period for which the transfer is proposed to be made ;
- (c.) The rent or other pecuniary consideration in respect of the transfer ;

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E e

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(d.) A general description of the powers duties or liabilities of the Undertakers proposed to be excepted or modified and of the terms upon which the transfer is proposed to be made; and

(e.) The address of the office at which the copy of the said draft deed is deposited for public inspection and at which printed copies of the same are on sale. 5

And such advertisement shall be inserted once at least in each of two successive weeks in one and the same newspaper circulating within the area of supply and once at least in the London Gazette.

(4.) The Undertakers may with the consent of the Board of Trade by deed to be approved in like manner renew or continue any such transfer for such period and subject to such variations or modifications (if any) as may be specified therein and the above provisions as to advertisements and particulars shall apply to such matters as are hereby required to be specified in such last-mentioned deed. 15

(5.) Where in relation to any powers duties or liabilities so transferred such company or person have in the opinion of the Board of Trade been guilty of any act or default in respect of which the Board of Trade are empowered to revoke this Order the Board of Trade if they think fit in lieu of revoking this Order may by order permit the Undertakers to resume the undertaking as from such day as may be fixed by the order and from and after the said day the powers duties and liabilities of the said company or persons as Undertakers shall cease and determine but without prejudice to anything done or suffered during the period of transfer. 20

(6.) Any questions arising between the Undertakers and the said company or persons respecting the resumption of the undertaking by the Undertakers shall be determined on the application of either party by the Board of Trade regard being had to the deed of transfer so far as applicable and the decision of the Board of Trade shall be final and conclusive. 25

(7.) As soon as practicable after any such deed is approved by the Board of Trade printed copies thereof shall be kept by the Undertakers for public inspection at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy and in case of any default herein the Undertakers shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds. 35

(8.) Nothing in this section shall affect any powers duties or liabilities of the Undertakers which shall not be transferred by any such deed and the Undertakers shall continue to have and be subject to such powers duties and liabilities (if any). 40

General.

Remedying of
system and
works.

60. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or have permitted any part of their circuits to be connected with earth or have placed any electric line above 45

ground in contravention of this Order or (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (c) that

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- 5 any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within
- 10 such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

- The Board of Trade may also if they think fit by the same or any other
- 15 order made upon any such representations as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one
- 20 hundred pounds for every day during which such user continues.

- Where the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade and fail to comply with any order made under this section in respect thereof within the time therein limited in that behalf the Board of Trade may if they think fit revoke
- 25 this Order on such terms as they may think just.

61. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and true copies thereof certified by or on behalf of the Undertakers shall be kept by them at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.
- 30

Publication of regulations.

- If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to
- 35 a daily penalty not exceeding five pounds.

62. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties. Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every
- 40 sum of ten shillings so deposited for every six months during which the same remains in their hands.
- 45

Nature and amount of security.

A.D. 1891.

*Whitehaven.*Proceedings
of Board of
Trade.

63. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or an assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or 5 assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence 10 of the act so certified.

As to approval
or consent of
Board of
Trade.

64. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions, or may withhold their consent or approval as in their discretion they may think fit. 15

All costs and expenses of or incident to any application for any approval consent or order of the Board of Trade including the cost of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by 20 the applicant or applicants therefor. Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may if they think fit revoke any approval so given or permit such approval 25 to be continued subject to such modifications as they may think necessary.

Notice of
approval of
Board of
Trade &c. to
be given by
advertisement.

65. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or revoke this Order as to the whole or any part of the area of supply notice that such approval has been given 30 or such extension of time granted or such revocation made shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the Undertakers.

Recovery and
application of
penalties.

66. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act 35 the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts. Any such penalty recovered on prosecution by any body or person or any part thereof may if the court shall so direct be paid to such body or person.

Undertakers to
be responsible
for all
damages.

67. The Undertakers shall be answerable for all accidents damages and 40 injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and

bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

A.D. 1891.

Whitehaven.

68. The provisions of sections 264 and 265 of the Public Health Act 1875 shall be incorporated with this Order and in the construction of the said provisions for the purposes of this Order "this Act" means this Order and the principal Act and the "local authority" means the Undertakers.

Incorporation of sections 264 and 265 of Public Health Act 1875.

69. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1885 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving clause for Postmaster-General.

70. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused by them.

Undertakers not exempt from proceedings for nuisance.

71. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

Provision as to general Acts.

SCHEDULES.

FIRST SCHEDULE.

Area of Supply :—

The whole of the town and harbour of Whitehaven as the same is constituted at the commencement of this Order.

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order :—

Market Place.
King Street.
Strand Street.
New Street.
Chapel Street.
Church Street.

Coates Lane.
Queen's Street.
Scotch Street.
Irish Street.
Howgill Street.
Catherine Street.

A.D. 1891. — <i>Whitehaven.</i>	Michael Street.	Back Corkickle.	
	Charles Street.	Front Corkickle.	
	Peter Street.	Foxhouses Road.	
	High Street.	Hensingham Road.	
	Tangier Street.	Retreat.	5
	Brackenthwaite.	West Strand.	
	George Street.	East Strand.	
	Duke Street.	Bransty Road.	
	Lowther Street.	High Street.	
	Roper Street.	Lonsdale Street.	10
	James Street.	Bransty Villas.	
	Newtown.	Wellington Row.	
	Preston Street.	Hilton Terrace.	
	Ginns.	Solway View.	
	Low Road.	Marine Terrace.	15
	Albion Street.	Oak Bank.	
	Rosemary Lane.	Albert Terrace.	
	Prospect Road.	Victoria Road.	
	Arrowthwaite Road.	Park View.	
	Flatwalks.		20
	Road from Corkickle to Ginns.		
	The part of the highway called Distington Road from Bransty Railway Station to Lonsdale Place.		
	Road from Bransty Road to William Pit Yard.		
	The road leading from Albert Terrace to the Ghyll near Aikbank.		25
	Road leading from Albert Terrace to Harras Moor for a distance of 175 yards from Albert Terrace.		
	The roads piers and quays of Whitehaven Harbour.		

THIRD SCHEDULE.

List of streets not repairable by the local authority of railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order. 30

(A) STREETS.

1. The road known as the Coach Road leading from Corkickle to the Ginns ; 2 the highway late turnpike leading from Bransty Railway Station to Lonsdale Place ; 3 the two roads known as the Monkway Roads leading from the Ginns to Monkway ; 4 the road leading from Irish Street to Pattinsons and Winter's Corn Mill and thence to Howgill Street ; 5 the road leading from the Bransty Road to Sea View ; 6 the road leading from Bransty Road to William Pit Yard ; 7 the road leading from Hilton Terrace to James' Pit ; 40

8 the road leading from Albert Terrace to the Ghyll near Aikbank; 9 road leading from Albert Terrace to Harras Moor for a distance of 175 yards from Albert Terrace; 10 the two roads from Low Corkickle to Corkickle Railway Station; 11 the road from Hamilton Terrace to Ghyll Bank College; 12 the road leading from Bransty Arch to Bransty Railway Station; 13 the roads piers and quays of Whitehaven Harbour.

A.D. 1891.
—
Whitehaven.

(B) RAILWAYS.

The following level crossing of the Furness Railway:—Level crossing on the Coach Road from Corkickle to the Ginns.

10

(C) TRAMWAYS.

The Whitehaven Harbour Tramways; the Furness Tramways; the tramways of the Earl of Lonsdale or his trustee.

FOURTH SCHEDULE.

15 In this schedule—the expression “unit” shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

Section 1.

20 Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units thirteen shillings and fourpence; and for each unit over twenty units eightpence.

Section 2.

25 Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

**Electric Lighting
Provisional Orders
(No. 7).**

A

B I L L

To confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Hertford, Killarney, Kingston-upon-Thames, Liverpool, Toxteth Park, and Whitehaven.

*(Prepared and brought in by
Sir Michael Hicks Beach and Baron de Worms)*

*Ordered, by The House of Commons, to be Printed
4 May 1891.*

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[Bill 310.]

A
B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Birmingham, Cardiff, Exeter, Ipswich (Ipswich Electricity Supply Company), Ipswich (Laurence, Scott, and Co.), and Whitby. A.D. 1891.

WHEREAS, under the authority of the Electric Lighting Acts, 1882 and 1888, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed :

And whereas a Provisional Order made by the Board of Trade under the authority of the said Acts is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Acts, as set out in the schedule to this Act annexed, be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Electric Lighting Orders Confirmation (No. 8) Act, 1891. Short title.

2. The several Orders, as set out in the schedule to this Act annexed, shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and effect. Confirmation of Orders.

A.D. 1891.

SCHEDULE.

LIST OF ORDERS.

1. BIRMINGHAM.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Birmingham Electric Supply Company, Limited. 5
 2. CARDIFF.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Mayor, Aldermen, and Burgesses of the County Borough of Cardiff.
 3. EXETER.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Exeter Electric Light 10 Company, Limited.
 4. IPSWICH (IPSWICH ELECTRICITY SUPPLY COMPANY, LIMITED).—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Ipswich Electricity Supply Company, Limited. 15
 5. IPSWICH (LAURENCE, SCOTT, and Co.).—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to Laurence, Scott, and Co., Limited.
 6. WHITBY.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Whitby District Local 20 Board.
-

BIRMINGHAM ELECTRIC LIGHT AND POWER.

A.D. 1891.

Provisional Order under the Electric Lighting Acts 1882 and 1888 granted by the Board of Trade to the Birmingham Electric Supply Company Limited in respect of parts of the City of Birmingham.

5

Preliminary.

1. This Order may be cited as the Birmingham Electric Light and Power Order 1891. Short title.

10 2. The Birmingham Electric Light and Power Order 1889 herein-after called "the principal Order" and this Order shall be read and construed together as one Order and may be cited together as the Birmingham Electric Light and Power Orders 1889 and 1891. This Order to be read in conjunction with the Birmingham Electric Light and Power Order 1889.

3. The expressions used in this Order shall have the same meanings as those attached by the principal Order to the same expressions used therein. Interpretation.

15 4. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is herein-after referred to as "the commencement of this Order." Commencement of Order.

Undertakers.

20 5. The Undertakers for the purposes of this Order are the Birmingham Electric Supply Company Limited who by virtue of section four of the principal Order are the present Undertakers for the purposes of the principal Order and whose registered office is situate at 120 Colmore Row in the city of Birmingham. Address and description of Undertakers.

25 6. Subject to the provisions of this Order the area of supply for the purposes of the principal Order and this Order shall be the area included in the First Schedule to this Order and that schedule shall be substituted for Schedule A annexed to the principal Order and the principal Order shall be read and construed accordingly. Substituted area of supply.

30 7. Section two of the principal Order is hereby amended by the addition of the following definitions:— Amendment of s. 2 of the principal Order.

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers;

35 The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected;

40 The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined:

The expression "tramway" shall mean any tramway laid along any street: The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 88 feet and where possible a section drawn

A.D. 1891.
Birmingham.

Prohibition of
overhead wires.

Notice of
works, with
plan, to be
served on the
Postmaster-
General and
local authority.

to the same horizontal scale as the plan and to a vertical scale of at least one inch to 11 feet with such detail plan and sections as may be necessary.

8. The Undertakers shall not without the express consent of the Board of Trade and of the local authority place any electric line above ground except in premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purposes of supply. 5

9. Section eleven of the principal Order is hereby repealed and the following section shall be substituted in lieu thereof:—

Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect:— 10

(a) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General and the local authority describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge or any sewer drain or tunnel therein or thereunder is to be interfered with and shall upon being required to do so by the Postmaster-General or the local authority give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month no part of the month of August shall be included. 15 20 25

(b) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers. 30

(c) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same. 35

(d) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them he or they shall be deemed to have approved such works and plan. 40

(e) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General and the 45

local authority or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and the principal Act.

A.D. 1891.
Birmingham.

(f) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers works or their supply of energy.

10. Section twelve of the principal Order is hereby amended and shall be read and construed as if after sub-section (e) the following sub-section had been inserted:—

Amendment of
s. 12 of the
principal
Order.

(e¹) Where the repair renewal or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than 24 hours notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

11. Section seventeen of the principal Order is hereby amended in manner following that is to say the said section shall be read and construed (a) as if, in respect of the parts of the area of supply included in Parts I. and II. of the Second Schedule to this Order a period of one year after the commencement of this Order were substituted for the period of three years after the commencement of that Order and (b) as if in respect of the part of the area of supply included in Part III. of the Second Schedule a period of three years after the commencement of this Order were substituted for the like period after the commencement of that Order and all provisions of the principal Order referring to that section shall be read and construed accordingly.

Amendment of
s. 17 of the
principal
Order.

A.D. 1891. Provided that nothing in this section shall affect section seventeen of the principal Order so far as it relates to so much of the area of supply as is not described in the Second Schedule to this Order.

Birmingham.

Amendment of
s. 34 of the
principal
Order.

12. Section thirty-four of the principal Order is hereby amended and shall be read and construed as if the words "local authority" were therein substituted for "county council."

Remedying of
system and
works.

13. Section thirty-six of the principal Order is hereby repealed and the following section shall be substituted in lieu thereof:—

If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or have permitted any part of their circuits to be connected with earth or have placed any electric line above ground in contravention of this Order or (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also if they think fit by the same or any further order under this section forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

Where the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade and fail to comply with any order under this section in respect thereof within the time therein limited in that behalf the Board of Trade may if they think fit revoke this order on such terms as they may think just.

Additions to
Sched. B. of
principal
Order.

14. The principal Order shall be read and construed as if the streets and tramways mentioned in the Third Schedule to this Order had been included in Schedule B.

Application of
s. 2 of Electric
Lighting Act
1888 to this
Order.

15. The period of forty-two years mentioned in section two of the Electric Lighting Act 1888 shall for the purposes of the principal Order and this Order be reckoned from the commencement of the principal Order.

Cesser of
powers &c. as

16. From and after the commencement of this Order all powers duties and liabilities of the Undertakers with respect to so much of the area included in

Schedule A to the principal Order as is not included in the First Schedule to this Order shall absolutely cease and determine.

Birmingham.
to part of area
of supply.

SCHEDULES.

THE FIRST SCHEDULE.

5 *Area of Supply as constituted by this Order.*

So much of the city of Birmingham as lies within a line drawn along the following streets and parts of streets namely :—

10 From the junction of Edmund Street and Easy Row along Edmund Street to its junction with Livery Street and thence along Livery Street to its junction with Colmore Row and thence along Colmore Row to its junction with Bull Street and thence along Bull Street to its junction with the Minories and thence along the Minories to its junction with the Old Square and thence round the Old Square to the corner of the Upper Priory and thence continuing round the Old Square down Corporation Street to its junction with Lawrence Street and thence back along Corporation Street to its junction with Newton Street and thence along Newton Street to its junction with Dale End and thence along Dale End to its junction with Masshouse Lane and thence along Masshouse Lane to its junction with Moor Street and thence along Moor Street to its junction with the Bull Ring thence across the Bull Ring and along Bell Street to its junction with Worcester Street thence along Worcester Street to its junction with New Street thence along New Street to its junction with Stephenson Place thence along Stephenson Place to its junction with Stephenson Street thence along Stephenson Street to its junction with Pinfold Street thence along Pinfold Street to its junction with New Street thence along New Street to its junction with Paradise Street thence along Paradise Street to its junction with Easy Row and thence along Easy Row to its junction with Edmund Street.

30 Provided that all premises abutting on any part of the said streets through which the said line is drawn shall be deemed to be within the area of supply.

THE SECOND SCHEDULE.

Areas added to Area of Supply by this Order.

35 The several parts of the city of Birmingham which lie between the respective lines formed by the following streets or parts of streets respectively namely :—

Part I. From the junction of New Street and Stephenson Place along Stephenson Place to its junction with Stephenson Street and thence

A.D. 1891.
 ———
Birmingham.

along Stephenson Street to its junction with Pinfold Street and thence along Pinfold Street to its junction with New Street and thence along New Street to its junction with Stephenson Place.

Part II. From the junction of High Street and Carr's Lane along Carr's Lane to its junction with Moor Street and thence along Moor Street 5
 to its junction with the Bull Ring and thence along the Bull Ring to its junction with High Street and thence along High Street to its junction with Carr's Lane.

Part III. From the junction of Bull Street, High Street, New Meeting Street, and Albert Street along Albert Street to its junction with Moor Street and thence along Moor Street to its junction with Masshouse Lane and thence along Masshouse Lane to its junction with Dale End and thence along Dale End to its junction with Newton Street and thence along Newton Street to its junction with Corporation Street and thence along Corporation Street to its junction with Bull Street 15
 and thence along Bull Street to its junction with High Street, New Meeting Street, and Albert Street.

Provided that all streets or parts of streets forming part of the respective boundaries of any of the areas specified in this schedule shall be construed to be included in such area except where such streets or parts of streets 20
 already formed part of the area of supply before the commencement of this Order.

THE THIRD SCHEDULE.

(A.) Streets not repairable by local authority which may be broken up by the Undertakers in pursuance of the special powers granted by this 25
 Order.

Burlington Passage.

Peel Passage.

Colonnade Passage.

Nelson Passage.

A passage leading out of High Street towards Moor Street (unnamed). 30

(B.) Tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

Birmingham and Aston Tramways.

Birmingham Central Tramways. 35

CARDIFF ELECTRIC LIGHTING.

A.D. 1891.

Cardiff.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 and 1888 to the Mayor Aldermen and Burgesses of the County Borough of Cardiff in respect of the said County Borough.

5

Preliminary.

1. This Order may be cited as the Cardiff Electric Lighting Order 1891. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Interpretation.
10 Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order :—

15 The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882 ;

20 The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied ;

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply ;

25 The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers ;

30 The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply ;

The expression "general supply" shall mean the general supply of energy to ordinary consumers but shall not include the supply of energy to any one or more particular consumers under special agreement ;

35 The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order ;

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers ;

[311.]

B

A.D. 1891.

Cardiff.

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines;

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected;

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined;

The expression "tramway" shall mean any tramway laid along any street;

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof;

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively;

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade.

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary.

Commence-
ment of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Description of the Undertakers.

Description of
Undertakers.

4. Subject to the provisions of this Order the Undertakers for the purposes of this Order shall be the mayor aldermen and burgesses of the county borough of Cardiff.

Area of Supply.

Area of supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red.

Nature and Mode of Supply.

Systems and
mode of
supply.

6. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided as follows:—

(1) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

(2) The Undertakers shall not without the express consent of the Board of Trade place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply; and

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- 5 (3) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations and conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance
- 10 with the conditions (if any) of such approval.

Lands.

7. Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the
- 15 time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed
- 20 in the whole ten acres except with the consent of the Board of Trade.

Purchase and
use of lands.

- Provided also that the Undertakers shall not except with the consent of the Local Government Board take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by
- 25 persons belonging to the labouring class as tenants or lodgers.

- For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own
- 30 family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Works.

8. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land
- 40 dedicated to public use: Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Powers for
execution of
works.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local

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authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section 13 of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule. 5

Street boxes.

9. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes. 10

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes. 15 20

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise. 25

Notice of
works with
plan to be
served on the
Postmaster-
General.

10. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect:—

- (a) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge is to be interfered with and shall upon being required to do so by the Postmaster-General give him any such further information in relation thereto as he may desire. 35
- (b) The Postmaster-General may in his discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers. 40
- (c) Where the Postmaster-General approves any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapproves of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire 45

into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same. A.D. 1891.
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5 (d) If the Postmaster-General fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon him he shall be deemed to have approved such works and plan.

10 (e) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause
15 such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and of the principal Act.

(f) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any
20 other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty
25 not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

30 Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers works or their supply of energy.

35 11. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested:—
As to streets not repairable by local authority railways tramways and canals.

40 (a) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person
45 liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be) in this section referred to as

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the "owners" describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

- (b) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof. 5
- (c) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly. 10 15
- (d) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible. 20
- (e) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties. 25 30
- (f) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works. 35
- (g) Where the repair renewal or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer the said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act. 40 45

(h) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

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In this section the expression "canal" includes any feeder used for supplying with water the Bute Docks or any works of the Bute Docks Company.

12. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served Where such body or person as aforesaid (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested:—

Street
authority &c.
may give notice
of desire to
break up
streets &c.
on behalf of
Undertakers.

(a) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided or in cases of emergency;

(b) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged;

(c) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and

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conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable ;

- (d) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice ;
- (e) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice ;
- (f) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds : Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances ;
- (g) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

As to alteration
of pipes wires
&c. under
streets.

13. The Undertakers may alter the position of any pipes or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested :—

- (a) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as

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“the operators” shall serve a notice upon the body or persons for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as “the owners” describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(b) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(c) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible.

(d) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or with such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

(e) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided.

(f) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made.

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- (g) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable. 5
- (h) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them. 10
- (i) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily.
- (j) Any owners may if they think fit by any statement served by them under this section upon any operators not being a local authority require 15 the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alteration as above mentioned as may be determined in manner provided by this Order and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given. 20
- (k) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of 25 this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall 30 not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Laying of
electric lines,
&c., near gas
or water pipes
or other
electric lines.

14. Where the Undertakers require to dig or sink any trench for laying 35 down or constructing any new electric lines (other than service lines) or other works near to which any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes other than service 40 pipes or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as "the operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to such gas electric supply or water company or to the Undertakers (as 45 the case may be) in this section referred to as "the owners" not less than three days notice before commencing to dig or sink such trench as aforesaid

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and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe syphon electric line or work and for securing access thereto and
5 they shall also if required to do so by the owner thereof repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion
10 provide a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade
15 and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

20 Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur
25 by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied
30 with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the main pipe syphon electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

35 For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company" shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

40 15. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection
of railway and
canal com-
panies.

45 16. (1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all

For protection
of telegraphic
and telephone
wires.

A.D. 1891. descriptions and in working their undertaking so as not injuriously to affect
Cardiff. whether by induction or otherwise the working of any wire or line from time
to time used for the purpose of telegraphic telephonic or electric signalling
communication or the currents in such wire or line whether such wire or line
be or be not in existence at the time of the laying down or placing of such 5
electric lines or other works. If any question arises between the Undertakers
and the owner of any such wire or line as to whether the Undertakers have
constructed laid down or placed their electric lines or other works or worked
their undertaking in contravention of this sub-section and as to whether the
working of such wire or line or the current therein is or is not injuriously 10
affected thereby such question shall be determined by arbitration and the
arbitrator (unless he is of opinion that such wire or line not having been so
in existence at such time as aforesaid has been placed in unreasonable
proximity to the electric lines or works of the Undertakers) may direct the
Undertakers to make any alterations in or additions to their system so 15
as to comply with the provisions of this section and the Undertakers
shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric
line or to use any electric line in any manner whereby the work of tele-
graphic or telephonic or electric signalling communication through any 20
wire or line lawfully laid down or placed in any position may be injuriously
affected the Undertakers shall unless otherwise agreed between the parties
interested give to the owner of such wire or line notice in writing specifying
the course nature and gauge of such electric line and the manner in which
such electric line is intended to be used and the amount and nature of the 25
currents intended to be transmitted thereby and the extent to and manner
in which (if at all) earth returns are proposed to be used and any owner
entitled to receive such notice may from time to time serve a requisition on
the Undertakers requiring them to adopt such precautions as may be therein
specified in regard to the laying placing or user of such electric line for the 30
purpose of preventing such injurious affection and the Undertakers shall
conform with such reasonable requirements as may be made by such owner
for the purpose of preventing the communication through such wire or line
from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with 35
respect to the reasonableness of any requirements so made such difference
shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals
of any electric line so long as the course nature and gauge of such electric
line and the amount and nature of the current transmitted thereby are not 40
altered.

(3.) If in any case the Undertakers make default in complying with the
requirements of this section they shall make full compensation to every such
owner as aforesaid for any loss or damage which he may incur by reason
thereof and in addition thereto they shall be liable to a penalty not exceeding 45
five pounds for every such default and to a daily penalty not exceeding forty
shillings: Provided that the Undertakers shall not be subject to any such

penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the

5 Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

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(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

10

Compulsory Works.

17.—(1) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street and part of a

15 street specified in that behalf in the Second Schedule and shall thereafter maintain the same.

Mains &c. to be laid down in streets specified in Second Schedule and in remainder of area of supply.

(2) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street

20 within the area of supply upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that

25 behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

(3) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third

30 Schedule the Undertakers shall (unless the authority company or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition

35 shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

18. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively the Board of Trade may revoke this

40 Order as to the whole or with the consent of the Undertakers any part of the area of supply or if the Undertakers so desire may suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect

45 in every respect as though they were contained in this Order.

If Undertakers fail to lay down mains &c. Order may be revoked.

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Manner in
which requisition
is to be
made.

19. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street.

Every such requisition shall be signed by the persons making the same and shall be served upon the Undertakers. 5

Forms of requisitions shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply on application for the same and any requisition so supplied shall be deemed valid in point of form. 10

Provisions on
requisition by
owners or
occupiers.

20. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for the supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply. 15 20 25

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected or in the case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guarantee that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid. 30 35 40

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry (if any) as they shall think fit may by order either determine that the requisition is 45

unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or per-centage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly.

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—
Cardiff.

In the case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

- 10 If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

15 *Supply.*

21. The Undertakers shall upon being required so to do by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following (that is to say)—

Undertakers
to furnish
sufficient
supply of
energy to
owners and
occupiers
within the area
of supply.

- 30 The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier.

- 35 Every owner or occupier of premises requiring a supply of energy shall—
Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence and

- 40 Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty

45

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Cardiff.

pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues.

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

Maximum
power.

22. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his

premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration. A.D. 1891.

23. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs. Cardiff.
Penalty for failure to supply.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

24. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)— Methods of charging.

- (1) By the actual amount of energy so supplied; or
- (2) By the electrical quantity contained in such supply; or
- (3) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method of charge may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall by public advertisement give notice by what method they propose to charge for energy supplied through such main and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to every consumer who is supplied by them from such main.

25. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of charge approved of by the Board of Trade such price as the Board shall on approving such method determine. Maximum prices.

A.D. 1891.

Cardiff.
Other charges
by agreement.

26. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge 5 accordingly.

Electric Inspectors.

Appointment
of electric
inspectors.

27. The Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order. 10

The duties of an electric inspector under this Order shall be as follows:—

(a) The inspection and testing periodically and in special cases of the Undertakers electric lines and works and the supply of energy given by them ;

(b) The certifying and examination of meters ; and, 15

(c) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The Board of Trade may prescribe the fees to be taken by an electric inspector and the manner in which and the times at which his duties are to 20 be performed.

Remuneration
of electric
inspector.

28. The Undertakers shall pay to every electric inspector appointed under this Order such reasonable remuneration (if any) as may be determined by the Board of Trade and such remuneration may be in addition to or in substitution for any fees which are directed to be paid to electric inspectors for 25 services rendered by them under this Order or any regulations of the Board of Trade made in pursuance of this Order as may be settled by such Board and where any such remuneration is settled to be in substitution for fees any fees payable by any party other than the Undertakers shall in lieu of being paid to such electric inspector for his own use be due and paid to him 30 on behalf and for the use of the Undertakers and shall be carried by them to the credit of the local rate.

Inquiry by
Board of
Trade.

29. The Board of Trade may if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned 35 by or in connexion with the Undertakers works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the pur- 40 poses of his appointment have all the powers of an electric inspector under this Order.

Testing and Inspecting.

Testing of
mains.

30. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector 45

and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

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Cardiff.

31. An electric inspector if and when required to do so by any consumer shall on payment by such consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Testing of works and supply on consumer's premises.

32. A court of summary jurisdiction may upon the application of any ten consumers direct the Undertakers at their own cost to establish at such places within a reasonable distance from a distributing main and keep in proper condition such reasonable number of testing stations as the court shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and thereupon the Undertakers shall establish such testing places and provide thereat such proper and suitable instruments of a pattern to be approved by the Board of Trade as the court may direct and they shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.

Undertakers to establish testing stations.

33. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence.

Undertakers to keep instruments on their premises.

34. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may examine and record the readings of such instruments and any readings so recorded shall be receivable in evidence.

Readings of instruments to be taken.

35. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the

Electric inspector may test Undertakers instruments.

A.D. 1891. Undertakers for the purpose of testing the electric lines and instruments of
Cardiff. the Undertakers and ascertaining if the same are in order and in case the
 same are not in order he may require the Undertakers forthwith to have the
 same put in order.

Representation of Undertakers at testings. 36. The Undertakers may if they think fit on each occasion of the testing 5
 of any main or service line or the testing or inspection of any instruments of
 the Undertakers by any electric inspector be represented by some officer or
 other agent but such officer or agent shall not interfere with the testing or
 inspection.

Undertakers to give facilities for testing. 37. The Undertakers shall afford all facilities for the proper execution of 10
 this Order with respect to inspection and testing and the readings and
 inspection of instruments and shall comply with all the requirements of or
 under this Order in that behalf and in case the Undertakers make default in
 complying with any of the provisions of this section they shall be liable in
 respect of each default to a penalty not exceeding five pounds and to a daily 15
 penalty not exceeding one pound.

Report of results of testing. 38. Every electric inspector shall on the day immediately following that
 on which any testing has been completed by him under this Order make and
 deliver a report of the results of his testing to the Board of Trade or
 consumer (as the case may be) by whom he was required to make such 20
 testing and also to the Undertakers and such report shall be receivable in
 evidence.

If the Undertakers or any consumer are or is dissatisfied with any report
 of any electric inspector they or he may appeal to the Board of Trade against
 such report and thereupon the Board of Trade shall inquire into and decide 25
 upon the matter of any such appeal and their decision shall be final and
 binding on all parties.

Expenses of electric inspector. 39. Save as otherwise provided by this Order or by any regulations under
 this Order all fees and reasonable expenses of an electric inspector shall
 unless agreed be ascertained by the Board of Trade and shall be paid by the 30
 Undertakers and may be recovered summarily as a civil debt.

Provided that where the report of an electric inspector or the decision
 of the Board of Trade shows that any consumer was guilty of any default
 or negligence such fees and expenses shall on being ascertained as above
 mentioned be paid by such consumer or consumers as the Board of Trade 35
 having regard to such report or decision shall direct and may be recovered
 summarily as a civil debt.

Provided also that in any proceedings for penalties under this Order any
 such fees and expenses incurred in connexion with such proceedings shall be
 payable by the complainant or defendant as the court may direct. 40

Meters.

Meters to be used except by agreement. 40. The amount of energy supplied by the Undertakers to any ordinary
 consumer under this Order or the electrical quantity contained in such supply
 (according to the method by which the Undertakers elect to charge) in this

Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

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Cardiff.

41. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter" Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Meter to be certified.

42. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

Inspector to certify meters.

43. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises and execute all necessary works and do all necessary acts Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor (or if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as hereinafter provided.

Undertakers to supply meters if required to do so.

44. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours notice in writing of his intention so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Meters not to be connected or disconnected without notice.

45. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

Consumer to keep his meter in proper order.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly

A.D. 1891. certified where such re-certifying is thereby rendered necessary shall if the
Cardiff. meter be found to be not in proper order be paid by the consumer but if the
 same be in proper order all expenses connected therewith shall be paid by the
 Undertakers.

Power to the
 Undertakers to
 let meter.

46. The Undertakers may let for hire any meter for ascertaining the value 5
 of the supply and any fittings thereto for such remuneration in money and on
 such terms with respect to the repair of such meter and fittings and for
 securing the safety and return to the Undertakers of such meter and fittings
 as may be agreed upon between the hirer and the Undertakers or in case of
 difference decided by the Board of Trade and such remuneration shall be 10
 recoverable by the Undertakers summarily as a civil debt.

Undertakers to
 keep meter let
 for hire in
 repair.

47. The Undertakers shall unless the agreement of hire otherwise pro-
 vides at all times at their own expense keep all meters let for hire by them
 to any consumer whereby the value of the supply is ascertained in proper
 order for correctly registering such value and in default of their so doing the 15
 consumer shall not be liable to pay rent for the same during such time as
 such default continues The Undertakers shall for the purposes aforesaid
 have access to and be at liberty to remove test inspect and replace any such
 meter at all reasonable times Provided that the expenses of procuring any
 such meter to be again duly certified where such re-certifying is thereby 20
 rendered necessary shall be paid by the Undertakers.

Differences as
 to correctness
 of meter to be
 settled by
 inspector.

48. If any difference arises between any consumer and the Undertakers as to
 whether any meter whereby the value of the supply is ascertained (whether
 belonging to such consumer or the Undertakers) is or is not in proper order 25
 for correctly registering such value or as to whether such value has been
 correctly registered in any case by any meter such difference shall be deter-
 mined upon the application of either party by an electric inspector who shall
 order by which of the parties the costs of and incidental to the proceedings
 before him shall be paid and the decision of such inspector shall be final
 and binding on all parties Subject as aforesaid the register of the meter 30
 shall be conclusive evidence in the absence of fraud of the value of the supply.

Undertakers to
 pay expenses
 of providing
 new meters
 where method
 of charge
 altered.

49. Where any consumer who is supplied with energy by the Undertakers
 from any distributing main is provided with a certified meter for the purpose
 of ascertaining the value of the supply and the Undertakers change the 35
 method of charging for energy supplied by them from such main the Under-
 takers shall pay to such consumer the reasonable expenses to which he may
 be put in providing a new meter for the purpose of ascertaining the value of
 the supply according to such new method of charging and such expenses
 may be recovered by the consumer from the Undertakers summarily as a
 civil debt. 40

Undertakers
 may place
 meters to
 measure supply
 or to check
 measurement
 thereof.

50. In addition to any meter which may be placed upon the premises of
 any consumer to ascertain the value of the supply the Undertakers may
 place upon his premises such meter or other apparatus as they may desire
 for the purpose of ascertaining or regulating either the amount of energy
 supplied to such consumer or the number of hours during which such 45

supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

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*Cardiff.**Maps.*

51. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Map of area of
supply to be
made and
deposited.

Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The Undertakers shall if so required by the Board of Trade or the Postmaster-General supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Application of Moneys received

52. All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money (b) money arising from the disposal of lands acquired for the purposes of this Order and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

Application of
revenue.

(1) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon

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Cardiff.

any proceedings by or against the Undertakers their officers or servants in relation to the undertaking;

(2) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes;

(3) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes;

(4) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital;

(5) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest (other than stock or securities of the Undertakers) and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or some part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the Undertakers.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

Application
of capital
moneys.

53. All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

(1) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Notices &c.

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*Cardiff.*Notices &c.
may be printed
or written.

54. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the Undertakers the signature thereof by their clerk or surveyor shall be sufficient authentication.

55. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively :—

Service of
notices, &c.

- 10 (a) In the case of the Board of Trade the office of the Board of Trade ;
- (b) In the case of the Postmaster-General the General Post Office ;
- (c) In the case of the Undertakers the office of the town clerk of Cardiff ;
- (d) In the case of any company having a registered office the registered office of such company ;
- 15 (e) In the case of a company having an office or offices but no registered office the principal office of such company ;
- (f) In the case of any other person the usual or last known place of abode of such person.

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time that is to say Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

Revocation of Order.

56. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made default in executing works or supplying energy in accordance with the provisions of this Order the Board of Trade may after such inquiry as they may think necessary revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as to the Board of Trade may seem just.

Revocation
where works
not executed.

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Cardiff.
Revocation of
Order with
consent.

Provisions
where Order
revoked.

57. In addition to any powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers upon such terms as the Board of Trade may think fit.

58. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply any persons who may be liable to repair any street or part of a street within such area or part thereof in which any works of the Undertakers may have been placed may forthwith remove such works with all reasonable care and the Undertakers shall pay to such persons such reasonable costs of such removal as may be specified in a notice to be served on the Undertakers by such persons or if so required by the Undertakers within one week after the service of such notice upon them as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator as the case may be such persons as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

Transfer of Powers &c.

25

Transfer of
powers &c.

59. (1) At any time after the commencement of this Order the Undertakers may with the consent of the Board of Trade by deed to be approved by the Board of Trade transfer their powers duties liabilities and works to any company or person subject to such exceptions and modifications (if any) and for such period and upon such terms as may be specified therein and either as to the whole or any part or parts of the area of supply and during the said period but subject to the provisions of this Order such company or person shall to the extent of the powers duties and liabilities so transferred be the Undertakers for the purposes of this Order.

(2) One month at least before any draft deed is submitted to the Board of Trade for their approval under this section notice of the intention to make such transfer shall be published by the Undertakers by advertisement and a copy of the said draft deed shall be deposited for public inspection during office hours at the principal office of the Undertakers within the area of supply and printed copies thereof shall be supplied to every person demanding the same at a price not exceeding sixpence for each copy.

(3) Every such advertisement shall contain the following particulars:—

- (a) The area in respect of which the transfer is proposed to be made.
- (b) The period for which the transfer is proposed to be made.

- (c) The rent or other pecuniary consideration in respect of the transfer.
 (d) A general description of the powers duties or liabilities of the Undertakers proposed to be excepted or modified and of the terms upon which the transfer is proposed to be made; and

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- 5 (e) The address of the office at which the copy of the said draft deed is deposited for public inspection and at which printed copies of the same are on sale;

and such advertisement shall be inserted once at least in each of two successive weeks in one and the same newspaper circulating within the area of
 10 supply and once at least in the London Gazette.

- (4) The Undertakers may with the consent of the Board of Trade by deed to be approved in like manner renew or continue any such transfer for such period and subject to such variations or modifications (if any) as may be specified therein and the above provisions as to advertisements and particulars
 15 shall apply to such matters as are hereby required to be specified in such last-mentioned deed.

- (5) When in relation to any powers duties or liabilities so transferred such company or person have in the opinion of the Board of Trade been guilty of any act or default in respect of which the Board of Trade are empowered to revoke this Order the Board of Trade if they think fit in lieu
 20 of revoking this Order may by order permit the Undertakers to resume the undertaking as from such day as may be fixed by the order and from and after the said day the powers duties and liabilities of the said company or persons as Undertakers shall cease and determine but without prejudice to
 25 anything done or suffered during the period of transfer.

- (6) Any questions arising between the Undertakers and the said company or persons respecting the resumption of the undertaking by the Undertakers shall be determined on the application of either party by the Board of Trade regard being had to the deed of transfer so far as applicable and the decision
 30 of the Board of Trade shall be final and conclusive.

- (7) As soon as practicable after any such deed is approved by the Board of Trade printed copies thereof shall be kept by the Undertakers for public inspection at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each
 35 copy and in case of any default herein the Undertakers shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

- (8) Nothing in this section shall affect any powers duties or liabilities of the Undertakers which shall not be transferred by any such deed and the
 40 Undertakers shall continue to have and be subject to such powers duties and liabilities if any.

General.

60. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system
 45 which has been approved by the Board of Trade or have permitted any part of their circuits to be connected with earth or have placed any electric line above

Remedying of
 system and
 works.

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ground in contravention of this Order or (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues. 5 10

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues. 15 20

Where the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade and fail to comply with any order made under this section in respect thereof within the time therein limited in that behalf the Board of Trade may if they think fit revoke this Order on such terms as they may think just. 25

Publication of
regulations.

61. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and true copies thereof certified by or on behalf of the Undertakers shall be kept by them at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy. 30

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds. 35

Nature and
amount of
security.

62. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands. 40 45

63. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or an assistant secretary of the Board.

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Proceedings of
Board of Trade.

5 All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

10 A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the act so certified.

15 64. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit.

As to approval
or consent of
Board of Trade.

20 All costs and expenses of or incident to any application for any approval consent or order of the Board of Trade including the cost of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor.

25 Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

30 65. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the Undertakers.

Notice of
approval
of Board of
Trade &c. to
be given by
advertisement.

35 66. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Recovery and
application of
penalties.

40 Any such penalty recovered on prosecution by any body or person or any part thereof may if the court shall so direct be paid to such body or person.

67. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers works and shall save harmless all authorities bodies and persons

Undertakers to
be responsible
for all
damages.

A.D. 1891. by whom any street is repairable and all other authorities companies and
Cardiff. bodies collectively and individually and their officers and servants from all
damages and costs in respect of such accidents damages and injuries.

Incorporation
of ss. 264 and
265 of Public
Health Act
1875.

68. The provisions of sections two hundred and sixty-four and two hundred
and sixty-five of the Public Health Act 1875 shall be incorporated with this 5
Order and in the construction of the said provisions for the purposes of this
Order "this Act" means this Order and the principal Act and the "local
authority" means the Undertakers.

Saving clause
for Postmaster-
General.

69. Nothing in this Order shall affect any right or remedy of the Post-
master-General under the principal Act or the Telegraph Acts 1863 to 1885 10
and all provisions contained in this Order in favour of the Postmaster-General
shall be construed to be in addition to and not in modification of the pro-
visions of those Acts.

Saving rights
of the Crown
in the fore-
shore.

70. Nothing in this Order shall authorise the Undertakers to take use or
in any manner interfere with any portion of the shore or bed of the sea 15
or of any river channel creek bay or estuary or any right in respect thereof
belonging to the Queen's most Excellent Majesty in right of her Crown
and under the management of the Board of Trade without the previous
consent in writing of the Board of Trade on behalf of Her Majesty (which
consent the Board of Trade may give) neither shall anything in this Order 20
contained extend to take away prejudice diminish or alter any of the estates
rights privileges powers or authorities vested in or enjoyed or exerciseable
by the Queen's Majesty.

Undertakers
not exempted
from proceed-
ings for
nuisance.

71. Nothing in this Order shall exonerate the Undertakers from any
indictment action or other proceedings for nuisance in the event of any 25
nuisance being caused by them.

Provision as to
general Acts.

72. Nothing in this Order shall exempt the Undertakers or their under-
taking from the provisions of or deprive the Undertakers of the benefits of
any general Act relating to electricity or to the supply of or price to be
charged for energy which may be passed after the commencement of this 30
Order.

SCHEDULES.

FIRST SCHEDULE.

Area of Supply.

The whole of the county and municipal borough of Cardiff as the same is 35
constituted at the commencement of this Order.

SECOND SCHEDULE.

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Cardiff.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order :—

5	Queen Street.	Trinity Street.
	Duke Street.	Wharton Street.
	Castle Street.	Church Street.
	High Street.	Caroline Street.
	St. Mary Street.	Custom House Street.
10	St. John Street.	Bute Street, from Custom House
	Working Street.	Street to the Hayes.
	The Hayes.	

THIRD SCHEDULE.

List of streets not repairable by the local authority railways tramways and
15 canals which may be broken up by the Undertakers in pursuance of the special powers granted by this Order :—

(a) Streets—

	Ferry Road.	Barrack Lanes.
	Penarth Road.	Back Charles Street.
20	Windsor Road.	The Tunnel.
	Footpath on north side of Tyndall Street.	Great Western Railway Station Approach Road.
	Bute Place.	Rhymney Railway Station Approach
	Bute Crescent.	Road.

25 (b) Railways—

So much of the level crossings of the Taff Vale Railway Company leading from that company's main line Bute Docks terminus across Bute Street to the west yard of the said company as are situate between the eastern and western sides of the said street.

30 The level crossings of the Great Western Railway Company in Pengam Road Beresford Road Windsor Road Pellet Street Leckwith Road the road leading from Cowbridge Road to the Infectious Hospital site and the road leading from Cowbridge Road at Ely Common to the Canton Moors.

35 (c) Tramways—

The Cardiff Tramways.

The Cardiff District and Penarth Harbour Tramways.

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FOURTH SCHEDULE.

Cardiff.

In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

5

Section 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter. For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

10

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

15

EXETER ELECTRIC LIGHTING.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Exeter Electric Light Company, Limited, in respect of the City and County of the City of Exeter. A.D. 1891.
Exeter.

5

Preliminary.

1. This Order may be cited as the Exeter Electric Lighting Order, 1891. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act"; and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings, provided that in this Order— Interpretation.

10

15 The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882;

20

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied;

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply;

25

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer, either from any main or directly from the premises of the Undertakers;

30

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply;

The expression "general supply" shall mean the general supply of energy to ordinary consumers, and, unless otherwise specially agreed with the local authority, to public lamps, but shall not include the supply of energy to any one or more particular consumers under special agreement;

35

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order;

40

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers;

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F

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Exeter.

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines;

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General, shall have the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected;

The expression "railway" shall include any tramroad, that is to say, any tramway other than a tramway as herein-after defined; 10

The expression "tramway" shall mean any tramway laid along any street;

The expression "daily penalty" shall mean a penalty for each day on which an offence is continued after conviction thereof;

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule" shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively; 15

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade;

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary. 20

Commence-
ment of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order." 25

Address and Description of the Undertakers.

Address and
description of
Undertakers.

4. The Undertakers for the purpose of this Order are the Exeter Electric Light Company, Limited, being a company registered under the Companies Acts, 1862 to 1886, with limited liability, and having its registered offices at the Rockfield Works, New North Road, in the county of the city of Exeter. 30

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order, or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned. 35

The Undertakers shall not purchase or acquire the undertaking of, or associate themselves with, any other company or person supplying energy under any license, Provisional Order, or special Act, unless the Undertakers are authorised by Parliament to do so. 40

If in contravention of this section the Undertakers purchase or acquire any such undertaking, or associate themselves with such other company or person, the Board of Trade may if they think fit revoke this Order upon such terms as they may think just. 45

Area of Supply.

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Ereter.

Area of supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map and thereon coloured red.

Prohibition of supply beyond area of supply.

- 5 6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament, or under a license granted by the Board of Trade under the principal Act.
- 10 If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

Security for execution of works.

- 15 7. The Undertakers, within a period of six months after the commencement of this Order and before exercising any of the powers by this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.
- 20 The Undertakers shall also, within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of one thousand pounds.
- 25 If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned, the Board of Trade may, after considering any representations which the local authority may make, revoke this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply upon
- 30 such terms as they may think just.

- The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector, to be appointed by the Board of Trade, that amounts equal to the sums so to be repaid or released
- 35 have been expended by the Undertakers upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, or at such earlier dates and by such instalments as may be approved by the Board of Trade.

- 40 8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking, distinct from the accounts kept by them in respect of any other undertaking or business.

Separate accounts to be kept of undertaking.

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*Exeter.*Audit of
Undertakers
accounts.

9. The annual statement of accounts of the undertaking, before being published as provided by section nine of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the Board of Trade shall appoint, and the remuneration of the auditor shall be such as the Board of Trade shall direct, and the same and all expenses incurred by him in or about the execution of his duties to such an amount as the Board of Trade shall approve shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt. 5

The Undertakers shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit, and shall when required furnish to him and them all vouchers and information requisite for such purpose, and shall afford to him and them all facilities for the proper execution of his and their duty. 10

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted or otherwise, for the purpose of giving effect to the provisions of this section. 15

Any report made by the auditor or such portion thereof as the Board of Trade shall direct shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section nine. 20

*Nature and Mode of Supply.*Systems and
mode of
supply.

10. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act, provided as follows :— 25

(1) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade, and subject to such regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may impose ; and 30

(2) The Undertakers shall not, without the express consent of the local authority and of the Board of Trade, place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply ; and 35

(3) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval. 40

*Works.*Powers for
execution of
works.

11. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by

this Order and the principal Act, and may break up such streets not repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets, railways, and tramways may for the time being be included in the area of supply, and be or be upon land dedicated to public use. Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

A.D. 1891.

Exeter.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway, except such streets, railways or tramways (if any), or such parts thereof as are specified in the said schedule without the consent of the authority, company or person by whom such street, railway or tramway is repairable, or of the Board of Trade under section thirteen of the Electric Lighting Act, 1882, and where the Board of Trade give such consent the provisions of this Order shall apply to the street, railway or tramway to which the consent relates as if it had been specified in the said schedule.

12. Subject to the provisions of this Order and the principal Act and any regulations made under this Order, the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of such boxes. Provided that no such box or apparatus shall be placed above ground except with the consent of the local authority, body or person by whom such street is repairable.

Street boxes.

Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Board of Trade may otherwise order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking; and the Undertakers may place therein meters, switches and any other suitable and proper apparatus for any of the above purposes.

Every such box, including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner, as not to be a source of danger, whether by reason of inequality of surface or otherwise.

The local authority may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such boxes, and if the Undertakers during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority, they shall be liable to a penalty not exceeding five pounds for every such offence, and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the

A.D. 1891. Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Exeter.

Notice of
works with
plan to be
served on the
Postmaster-
General and
local authority.

13. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in, under, along, or across any street or public bridge, the following provisions shall have effect:—

- (a) One month before commencing the execution of such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a notice upon the Postmaster-General and the local authority describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed, and the manner in which it is intended that such street or bridge, or any sewer, drain, or tunnel therein or thereunder, is to be interfered with, and shall, upon being required to do so by the Postmaster-General or the local authority, give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included; 10
- (b) The Postmaster-General or the local authority may, in his or their discretion, approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers; 15
- (c) Where the Postmaster-General or the local authority approve any such works or plan, subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit, or may disapprove the same; 20
- (d) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them he or they shall be deemed to have approved such works and plan; 25
- (e) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General and the local authority or by the Board of Trade as above mentioned, but where any such works, description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of the principal Act; 30
- (f) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to 35

any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which

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5 shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied

10 with the requirements of this section so far as was reasonable under the circumstances.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at

15 any time injuriously affected by the Undertakers works or their supply of energy.

14. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under

20 along or across any street or part of a street not repairable by the local authority, or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested :—

As to streets not repairable by local authority, railways, tramways and canals.

(a) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall, in

25 addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be) in this section referred to as "the owners," describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall upon being required to do so by

30 any such owners give them any such further information in relation thereto as they may desire ;

(b) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof ;

(c) Within three weeks after the service of any such notice and plan upon

40 any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration, and thereupon such question unless settled by agreement

45 shall be settled by arbitration accordingly ;

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- (d) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal, and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible ; 5
- (e) Where no such requisition as in this section mentioned is served upon the Undertakers, or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled, the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties ; 10 15
- (f) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works ; 20
- (g) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing or with any tramway, over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to the owners not less than twenty-four hours notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act ; 25 30
- (h) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds : Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 35 40 45

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Street authority &c. may give notice of desire to break up streets &c. on behalf of Undertakers.

15. Any body or person for the time being liable to repair any street or part of a street, or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order, may, if they think fit, serve a notice upon the Undertakers stating that they
 5 desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, tunnels, or other works vested in or under the control or management of such body or person, and may amend or revoke any such notice by another notice
 10 similarly served. Where any such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested:—

- 15 (a) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or
 20 neglected to comply with such requisition, as herein-after provided, or in cases of emergency;
- (b) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than four days and not less than two days before the
 25 exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged;
- (c) Upon receipt of any such requisition as last aforesaid the givers of the
 30 notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable;
- (d) If the givers of the notice decline or for twenty-four hours after the
 35 time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them
 40 by the givers of the notice;
- (e) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or
 45 duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice; but in such case the Undertakers shall, within twelve hours after they begin to exercise or discharge such

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powers or duties as aforesaid, give information thereof in writing to the givers of the notice;

- (f) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds 5 for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the 10 circumstances;
- (g) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers, and may be recovered summarily;
- (h) The givers of the notice may, if they think fit, require the Under- 15 takers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined 20 by a court of summary jurisdiction, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given:

Provided that nothing in this section shall in any way affect the rights of 25 the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up, filling in, reinstating, or making good any such street or part of a street, or any such bridges, sewers, drains, tunnels, or other works, or railway or tramway as in this 30 section mentioned.

As to alteration of pipes wires &c. under streets.

16. The Undertakers may alter the position of any pipes (not forming part of any sewer of the local authority), or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order; and any 35 body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested:— 40

- (a) One month before commencing any such alterations the Undertakers, or such body or person (as the case may be), in this section referred to as "the operators," shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines or works (as the case may be), in this section referred to as "the owners," describing 45

the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made, and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

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- 5 (b) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof, or any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and
- 10 thereupon such question unless settled by agreement shall be settled by arbitration accordingly.
- 15 (c) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes, wires, electric lines, or works, and may if he thinks fit, require the operators to execute any temporary or other works, so as to avoid interference with any purpose for which such pipes, wires, electric lines, or works are used so far as may be possible.
- 20 (d) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case or where after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration, as herein-before mentioned, or as may be agreed upon between the parties.
- 25 (e) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations
- 30 except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such notification as herein-after provided.
- 35 (f) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made.
- 40 (g) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves
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be subject to in executing such alterations so far as the same may be applicable.

- (h) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them. 5
- (i) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators, and may be recovered summarily. 10
- (j) Any owners may, if they think fit, by any statement served by them under this section upon any operators not being a local authority, require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned, as may be determined in manner provided by this Order, 15 and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.
- (k) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily 25 penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances. 30

Laying of
electric lines,
pipes, &c. near
sewers &c.
or gas or
water pipes or
other electric
lines.

17. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the local authority, or any main, pipe, syphon, electric line, or other work belonging to any gas, electric supply, or water 35 company has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or such gas or water company (as the case may be), in this section referred 40 to as "the operators," shall unless otherwise agreed between the parties interested or in case of sudden emergency give to the local authority, or to such gas, electric supply, or water company, or to the Undertakers (as the case may be), in this section referred to as "the owners," not less than three days notice before commencing to dig or sink such trench as aforesaid, and 45

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such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence pipe, syphon, electric line or work, and
 5 for securing access thereto, and they shall also if required to do so by the owners thereof repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe, electric line or work, they shall temporarily support the same in position during the execution of their works and before completion
 10 provide a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line, crossing, or liable to touch any mains, pipes, lines or services belonging to any gas, electric supply, or water company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade ;
 15 and the Undertakers shall not, except with the consent of the gas, electric supply or water company as the case may be and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, lines or services, or except with the like consent employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.
 20 Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss, damage, penalty or costs which they may incur
 25 by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds : Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with
 30 the requirements and restrictions of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence pipe, electric line or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

35 For the purpose of this section the expression "gas company" shall mean any body or person lawfully supplying gas ; the expression "water company" shall mean any body or person lawfully supplying water or water power, and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this
 40 Order.

18. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways, tunnels, arches, works or conveniences belonging to any railway or canal company, nor obstruct or interfere with the working of the traffic passing
 45 along any railway or canal.

For protection
 of railway and
 canal com-
 panies.

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of telegraphic
and telephonic
wires.

19. (1) The Undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic or telephonic or electric signalling communication or the currents in such wire or line, whether such wire or line be or be not in existence at the time of the laying down or placing such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby, such question shall be determined by arbitration, and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section, and the Undertakers shall make such alterations or additions accordingly.

(2) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course, nature, and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used, and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing or user of such electric line for the purpose of preventing such injurious affection; and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every

such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto he shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

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(4) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

15

Compulsory Works.

20. (1) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule, and shall thereafter maintain the same.

Mains, &c., to be laid down in streets specified in Second Schedule and in remainder of area of supply.

(2) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them, or such further time as may in any case be approved of by the Board of Trade.

(3) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, company or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act, 1882, for the written consent of the Board authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

21. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer and not for the purposes of general supply, the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of

As to laying of electric line under special agreement.

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origin and termination of the electric line so to be laid, a notice stating that the Undertakers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require, in accordance with the provisions of this Order, that a supply shall be given to their premises, the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer. 5

If Undertakers fail to lay down mains, &c., Order may be revoked.

22. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged, they may after considering any representations of the local authority, revoke this Order as to the whole or (with the consent of the Undertakers) any part of the area of supply, or if the Undertakers so desire may after having given an opportunity to the local authority to make representations and objections with reference thereto suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose, and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order. 10 15 20

Manner in which requisition is to be made.

23. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street, or where the local authority has the control and management of the public lamps in such street or part of a street by the local authority. 25

Every such requisition shall be signed by the persons making the same or by the local authority (as the case may be), and shall be served upon the Undertakers. 30

Forms of requisition shall be kept by the Undertakers at their office, and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same, and any requisition so supplied shall be deemed valid in point of form. 35

Provisions on requisition by owners or occupiers.

24. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom such requisition is signed, stating that they decline to be bound by the requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing 40 45

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inains to ordinary consumers within the area of supply, produce annually such reasonable sum as shall be specified by the Undertakers in such notice. Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon
5 the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the
10 Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them, binding them to take or guaranteeing that there shall be taken for a period of three
15 years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons
20 under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable, or that under the circumstances of the case the provisions of this section ought to be
25 varied, they may within fourteen days after the service of the requisition upon them, appeal to the Board of Trade who, after such inquiry, if any, as they shall think fit may, by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers, or may authorise the Undertakers by their notice to require a supply of energy to
30 be taken for such longer period than three years, and to specify such sum or per-centage whether calculated as herein-before provided or otherwise, as shall be fixed or directed by the Order, and the terms of the above-mentioned agreement shall be varied accordingly. In the case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be
35 served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement, such difference shall subject to the provisions of this section, and to the decision of the Board of
40 Trade upon any such appeal as aforesaid, be determined by arbitration.

25. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected, or within fourteen days thereafter, there be tendered to the Undertakers (if required by them) an agreement executed by the local authority,
45 and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in

Provisions on
requisition by
local authority.

A.D. 1891. respect of which such requisition is made as may be under their management
Exeter. or control.

Supply.

Undertakers
 to furnish
 sufficient
 supply of
 energy to
 owners and
 occupiers
 within the area
 of supply.

26. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main 5 of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order, or any regulations and conditions, subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the 10 provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following (that is to say) :— 15

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property, 20 shall, if the Undertakers so require, be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to 25 be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a 30 period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing 35 any electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect 40 of energy to be supplied by them.

Provided always that the Undertakers may (after they have given a supply of energy for any premises) by notice in writing, require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become 45

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due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises so long as such user continues.

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined by arbitration.

27. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises. Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt.

Maximum power.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

28. The Undertakers, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Supply of energy to public lamps.

29. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to

Penalty for failure to supply.

A.D. 1891. supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.
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Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order, they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults, not being wilful defaults on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of
charging.

30. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1) By the actual amount of energy so supplied ; or
- (2) By the electrical quantity contained in such supply ; or
- (3) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him, or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall give notice to the local authority by what method they propose to charge for energy supplied through such main, and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement ; and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

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*Exeter.*Maximum
prices.

31. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade shall on approving such method determine.

Provided that if the local authority or the Undertakers shall at any time after the expiration of seven years after the commencement of this Order make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered, the Board of Trade, after such inquiry as they may think fit, may make an order varying the prices or methods of charge stated in the said schedule, or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order, as if they had been stated in the said schedule: Provided also that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

32. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned, the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained, and may charge accordingly.

Other charges
by agreement.

33. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained, shall be settled by agreement between the local authority and the Undertakers, and in case of difference by arbitration, regard being had to the circumstances of the case, and the distributing or other mains (if any) which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district.

Price to public
lamps.

Electric Inspectors.

34. The local authority, so long as they are not themselves the Undertakers for the purposes of this Order, may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

Appointment
of electric
inspectors

If no electric inspector is appointed by the local authority, or if the inspection of electric lines and works is imperfectly attended to by the local authority, or if the local authority themselves become the Undertakers for the purposes of this Order, the Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

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The duties of an electric inspector under this Order shall be as follows:—

- (a) The inspection and testing periodically and in special cases of the Undertakers electric lines and works and the supply of energy given by them;
- (b) The certifying and examination of meters; and
- (c) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

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The local authority with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector and also the fees to be taken by him, and such fees shall be accounted for and applied as may be directed by the local authority or the Board of Trade, as the case may be.

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Remuneration
of electric
inspectors.

35. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine and such remuneration may be in addition to or in substitution for any fees directed to be paid to electric inspectors in respect of their duties under this Order, or any regulations of the Board of Trade made in pursuance of this Order, or the principal Act according as the local authority shall determine.

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Inquiry by
Board of
Trade.

36. The Board of Trade may also if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers works, or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order, so far as such provisions affect the safety of the public have been complied with by the Undertakers; and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

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Testing and Inspection.

Testing of
mains.

37. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the

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purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

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Exeter.

- 5 38. An electric inspector, if and when required to do so by any consumer, shall on payment by the consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this
- 10 Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Testing of works and supply on consumer's premises.

39. The Undertakers shall at such places within a reasonable distance from a distributing main establish at their own cost and keep in proper
- 15 condition such reasonable number of testing stations as the local authority, or where the local authority are the Undertakers, as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall
- 20 connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.

Undertakers to establish testing stations.

- If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any excessive
- 25 or improper use of energy for such testing, or as to the performance by the Undertakers of their duties under this section, such disputes shall be determined by arbitration.

40. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper
- 30 instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record and keep recorded such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence.

Undertakers to keep instruments on their premises.

41. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at
- 35 any testing station or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be
- 40 receivable in evidence.

Readings of instruments to be taken.

42. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments

Electric inspector may test Undertakers instruments.

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of the Undertakers, and ascertaining if the same are in order, and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Representation
of Undertakers
at testing.

43. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection. 5

Undertakers to
give facilities
for testings.

44. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing, and the readings and inspection of instruments, and shall comply with all the requirements of or under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section, they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound. 10 15

Report of
results of
esting.

45. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the local authority, Board of Trade, or consumer (as the case may be), by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence. 20

If the Undertakers, the local authority, or any consumer, are or is dissatisfied with any report of any electric inspector, they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties. 25

Expenses of
electric
inspector.

46. Save as otherwise provided by this Order, or by any regulations under this Order, all fees and reasonable expenses of an electric inspector, shall, unless agreed, be ascertained by a court of summary jurisdiction, or (where the inspector is appointed by them) by the Board of Trade, and shall be paid by the Undertakers. 30

Provided that where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, such fees and expenses shall, on being ascertained as above mentioned, be paid by such consumer or consumers as the court, or Board, having regard to such report or decision, shall direct, and may be recovered summarily as a civil debt. 35

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct. 40

Meters.

Meters to be
used except by
agreement.

47. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such

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supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this
5 Order.

48. A meter shall be considered to be duly certified under the provisions of this Order, if it be certified by an electric inspector appointed under this Order to be a correct meter, and to be of some construction and pattern, and to have been fixed and to have been connected with the service lines in some
10 manner approved of by the Board of Trade; and every such meter is in this Order referred to as a "certified meter": Provided that where any alteration is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines, such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the
15 provisions of this Order.

Meter to be certified.

49. Every electric inspector, on being required to do so by the Undertakers, or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it
20 entitled to be so certified.

Inspector to certify meters.

50. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer, and connect the service lines therewith, and procure such meter to be duly certified
25 under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable hours and execute all necessary works and do all necessary acts. Provided that, previously to supplying any such meter, the Undertakers may require
30 such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as hereinafter provided.

Undertakers to supply meters if required to do so.

51. No consumer shall connect any meter used or to be used under this
35 Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence
40 to a penalty not exceeding forty shillings.

Meters not to be connected or disconnected without notice.

52. Every consumer shall at all times, at his own expense, keep all meters belonging to him, whereby the value of the supply is to be ascertained, in proper order, for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

Consumer to keep his meter in proper order.

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The Undertakers shall have access to, and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

Power to the
Undertakers
to let meter.

53. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings, as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to
keep meter let
for hire in
repair.

54. The Undertakers shall, unless the agreement of hire otherwise provides, at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained, in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Differences as
to correctness
of meter to be
settled by
inspector.

55. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector, or where the local authority are the consumers by an inspector to be appointed by the Board of Trade, who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Undertakers to
pay expenses of
providing new
meters where
method of
charge altered.

56. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main, the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

57. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum power taken by such consumer, or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

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Undertakers may place meters to measure supply or to check measurement thereof.

Maps.

58. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines and other underground works and street boxes, and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Map of area of supply to be made and deposited.

- Every map and section so made or corrected or a copy thereof with the date marked when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section or copy, and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

- The Undertakers shall if so required by the Board of Trade or the Postmaster-General or the local authority supply to them or him a copy of any such map or section, and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

- If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Purchase by Local Authority.

59. The option of purchasing the undertaking under the provisions of section two of the Electric Lighting Act, 1888, may be exercised by the local

Purchase by local authority.

A.D. 1891. authority within six months after the expiration of twenty-six years after
 the commencement of this Order, or within six months after the expiration
 of thirty-four years after the commencement of this Order. Provided that
 the local authority shall, in addition to the sum payable under that section,
 pay to the Undertakers—if the option is exercised as first above mentioned— 5
 a sum equal to the net profits of the undertaking for the preceding five years,
 or—if the option is exercised as secondly above mentioned—a sum equal to
 the net profits for the preceding three years.

If the said option is not exercised under the foregoing provisions of this
 section, the provisions of the Electric Lighting Act, 1888, shall apply as if 10
 this section had not been included in this Order.

Special Provisions in case of Transfer.

60. If the local authority become the Undertakers for the purposes of this
 Order the following provisions shall have effect:—

- (A) All moneys received by the Undertakers in respect of the undertaking 15
 except (a) borrowed money, (b) money arising from the disposal of
 lands acquired for the purposes of this Order, and (c) money not of the
 nature of rent received by them in respect of any transfer under the
 provisions of this Order, shall be applied by them as follows:
- (1) In payment of the working and establishment expenses and costs 20
 of maintenance of the undertaking including all costs expenses
 penalties and damages incurred or payable by the Undertakers
 consequent upon any proceedings by or against the Undertakers
 their officers or servants in relation to the undertaking.
 - (2) In payment of the interest or dividend on any mortgages stock 25
 or other securities granted and issued by the Undertakers in respect
 of money borrowed for electricity purposes.
 - (3) In providing any instalments or sinking fund required to be pro-
 vided in respect of moneys borrowed for electricity purposes.
 - (4) In payment of all other their expenses of executing this Order 30
 not being expenses properly chargeable to capital.
 - (5) In providing a reserve fund, if they think fit, by setting aside
 such money as they may from time to time think reasonable and
 investing the same and the resulting income thereof in Government 35
 securities or in any other securities in which trustees are by law
 for the time being authorised to invest other than stock or securities
 of the Undertakers, and accumulating the same at compound interest
 until the fund so formed amounts to one tenth of the aggregate
 capital expenditure on the undertaking, which fund shall be ap-
 plicable to answer any deficiency at any time happening in the 40
 income of the Undertakers from the undertaking or to meet any
 extraordinary claim or demand at any time arising against the Under-
 takers in respect of the undertaking, and so that if that fund is at
 any time reduced, it may thereafter be again restored to the prescribed
 limit, and so from time to time, as often as such reduction happens. 45

Application of
 moneys re-
 ceived by local
 authority as
 Undertakers.

The Undertakers shall carry the net surplus remaining in any year, and the annual proceeds of the reserve fund, when amounting to the prescribed limit, to the credit of the local rate as defined by the principal Act, or at their option shall apply such surplus or any part thereof to the improvement of the district for which they are the local authority, or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

(B) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

(1) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

61. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order:

Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more houses which after the passing of the Act confirming this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages,

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hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

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Incorporation
of sections 264
and 265 of
Public Health
Act, 1875.*

62. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act" shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers.

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Notices, &c.

Notices, &c.
may be printed
or written.

63. Notices, orders, and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice, order, or document requires authentication by the local authority, the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

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Service of
notices, &c.

64. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:—

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- (a) In the case of the Board of Trade the office of the Board of Trade;
- (b) In the case of the Postmaster-General the General Post Office;
- (c) In the case of any local authority the office of such local authority;
- (d) In the case of the Undertakers or any other company having a registered office the registered office of the Undertakers or such company;
- (e) In the case of a company having an office or offices but no registered office, the principal office of that company;
- (f) In the case of any other person the usual or last known place of abode of such person.

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A notice, order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

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A notice, order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises.

40

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days, the following days shall not be

reckoned in the computation of such time, that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation or thanksgiving.

A.D. 18
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Exeto

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Revocation of Order.

65. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade may, after such inquiry as they think necessary, and after considering any representations of the local authority, revoke this Order as to the whole, or with the consent of the Undertakers, as to any part of the area of supply.

Revocation
Order wh
Undertak
are insolv

66. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation, they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers and of the local authority) as to any part of the area of supply.

Revocation
Order wh
undertaki
cannot be
carried on
with profit

67. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just.

Revocation
Order wit
consent.

68. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect:—

Provision
where Or
revoked.

- 30 (a) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine;
- 35 (b) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority if they think fit may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking or such part thereof as aforesaid upon terms of paying the then value of all land buildings works materials and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the
- 40

A.D. 1891.

Exeter.

Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act ;

- (c) Where any purchase is so effected the undertaking or part thereof so purchased shall vest in the local authority freed from any debts, mortgages or similar obligations of the Undertakers or attaching to the undertaking ; and the revocation of this Order as to the whole of the area of supply or such part thereof as aforesaid shall extend only to the revocation of the rights powers authorities duties and obligations of the Undertakers from whom the undertaking or such part thereof as aforesaid is purchased in relation to the supply of energy within such area or part thereof, and save as aforesaid this Order shall remain in full force within such area or part thereof in favour of the local authority ;
- (d) Where no purchase has been effected under the preceding provisions of this section, the local authority and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed, may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care, and the Undertakers shall pay to the local authority, or other such body or person as aforesaid, such reasonable costs of such removal and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them), as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice, or the delivery of the award of the arbitrator (as the case may be), the local authority or other such body or person as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit ; and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

- (e) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers by this Order granted to the Undertakers, or for any expenses to which such local authority, body, or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been

- 5 deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims, and the persons to whom it is to be paid, shall be determined by an arbitrator to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

A.D. 1891.

*Exeter.**General.*

- 10 69. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth or have placed any electric line above ground in contravention of this Order; or (b) that any electric lines or
15 works of the Undertakers are defective so as not to be in accordance with the provisions of this Order, or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; or (c) that any work of the Undertakers, or their supply of energy, is attended with danger to the public safety, or injuriously affects
20 any telegraphic line of the Postmaster-General, the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary, so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in
25 complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

Remedying of system and works.

- The Board of Trade may also, if they think fit, by the same or any other order made upon any such representation as aforesaid forbid the use of any
30 electric line or work as from such date as may be specified in that behalf, until the order is complied with, or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden, they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.
- 35 If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof, within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

- 40 70. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking, and for the time being in force, shall, within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and a true

Publication of regulations.

A.D. 1891.

Exeter.

copy thereof, certified by or on behalf of the Undertakers, shall be forthwith served upon the local authority and like copies shall be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding the same, at a price not exceeding sixpence for each copy. 5

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

Nature and
amount of
security.

71. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties or as in default of agreement may be determined, on the application of either party, by a court of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties. Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands. 10 15

Proceedings of
Board of
Trade.

72. All things required or authorised under this Order to be done by, to, or before the Board of Trade may be done by, to, or before the President or a secretary or an assistant secretary of the Board. 20

All documents purporting to be orders made by the Board of Trade, and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof unless the contrary is shown. 25

A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the act so certified. 30

Approval or
consent of
Board of
Trade.

73. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit. All costs and expenses of or incident to any approval, consent, certificate, or order of the Board of Trade, or of any inspector or person appointed by the Board of Trade, including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made, to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same, as they may think fit, to be prepared and deposited at their office at the expense of the said applicant or applicants, and may, as they think fit, revoke any approval so given, or 35 40

permit such approval to be continued, subject to such modifications as they may think necessary.

A.D. 1891.

Exeter.

Notice of approval of Board of Trade, &c., to be given by advertisement.

74. Where the Board of Trade, upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or where the Board of Trade upon the application of the local authority or the Undertakers revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

75. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers, notice of such application shall be served on the local authority by the Undertakers, and an opportunity shall be given to the local authority to make representations or objections with reference thereto.

Notice of application for extension of time, &c., to be given to local authority.

76. All penalties, fees, expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Recovery and application of penalties.

Any such penalty recovered on prosecution by an officer of the local authority, shall, if there is an electric inspector for the time being appointed by the local authority, be paid to such officer and by him to the local authority, and shall be applied in aid of the local rate.

Any such penalty recovered on prosecution by any other body or person or any part thereof may, if the court shall so direct, be paid to such body or person.

77. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Undertakers to be responsible for all damages.

78. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking or any part thereof under section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such

As to mortgages.

A.D. 1891. part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

Exeter.

Saving clause
for Postmaster-
General.

79. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts. 5

Undertakers
not exempted
from proceed-
ings for
nuisance.

80. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them. 10

Provision as to
general Acts.

81. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity, or to the supply of or price to be charged for energy which may be passed after the commencement of this Order. 15

Temporary Provision.

Removal of
existing
overhead wires.

82. Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except so far as the placing thereof above ground is permitted by this Order) they shall be removed by the Undertakers within a period of one year after such commencement. 20

If the Undertakers fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit. 25

SCHEDULES.

FIRST SCHEDULE.

AREA OF SUPPLY.

The whole of the city and county of the city of Exeter as the same is constituted at the commencement of this Order. 30

SECOND SCHEDULE.

A.D. 1891.

Exeter.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order:—

- 5 That part of New North Road which lies between the bridge over the London and South-western Railway and London Inn Square.
- | | |
|--------------------|--------------------|
| London Inn Square. | Bedford Circus. |
| Sidwell Street. | Queen Street. |
| High Street. | Gandy Street. |
| 10 Fore Street. | St. Martin's Lane. |
| North Street. | South Street. |
| New Bridge Street. | Paris Street. |
| Bedford Street. | |

THIRD SCHEDULE.

- 15 List of streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order:—

- (a.) Streets.
The Cathedral Close.
- 20 (b.) Railways.
None.
- (c.) Tramways.
The tramways belonging to the Exeter Tramways Company.

FOURTH SCHEDULE.

- 25 In this schedule the expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electric-motive force of one volt during one hour.

A.D. 1891.

Section 1.

Exeter.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter. For any amount up to twenty units thirteen shillings and fourpence, and for each unit over twenty units eightpence. 5

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical 10 quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

IPSWICH ELECTRIC LIGHTING.

A.D. 1891

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Ipswich Electricity Supply Company, Limited, in respect of the Municipal Borough of Ipswich.

Ipswich.

5

Preliminary.

1. This Order may be cited as the Ipswich Borough Electric Lighting Order, 1891. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act"; and the several words, terms, and expressions to which by the principal Act meanings are assigned, shall have in this Order the same respective meanings, provided that in this Order— Interpretation.

10

15 provided that in this Order—

The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882:

20

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied:

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

25

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

30

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

The expression "general supply" shall mean the general supply of energy to ordinary consumers, and, unless otherwise specially agreed with the local authority, to the public lamps, but shall not include the supply of energy to any one or more particular consumers under special agreement:

35

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order:

40

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers:

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Ipswich.

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines:

The expression "telegraphic line," when used with respect to any telegraphic line of the Postmaster-General, shall have the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected:

The expression "railway" shall include any tramroad, that is to say, any tramway other than a tramway as herein-after defined:

The expression "tramway" shall mean any tramway laid along any street:

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof:

The expressions "First Schedule," "Second Schedule," "Third Schedule" and "Fourth Schedule," shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively:

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers, together with this Order, and signed by an assistant secretary to the Board of Trade:

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 88 feet, and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to 11 feet, with such detail plan and sections as may be necessary.

Commence-
ment of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Address and Description of the Undertakers.

Address and
description of
Undertakers.

4. The Undertakers for the purpose of this Order are the Ipswich Electricity Supply Company, Limited, being a company registered under the Companies Acts, 1862 to 1890, with limited liability, and having its registered offices at No. 112, Belvedere Road, London, S.E.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order, or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

The Undertakers shall not purchase or acquire the undertaking or or associate themselves with any other company or person supplying energy under any license, Provisional Order, or special Act unless the Undertakers are authorised by Parliament to do so.

If in contravention of this section the Undertakers purchase or acquire any such undertaking, or associate themselves with such other company or person, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think just.

Area of Supply.

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Ipswich.

Area of supply.

5. Subject to the provisions of this Order, the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured pink.

- 5 6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament, or under a license granted by the Board of Trade under the principal Act.

Prohibition of supply beyond area of supply.

- 10 If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

- 15 7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

Security for execution of works.

- 20 The Undertakers shall also, within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of one thousand pounds.

- 25 If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned, or fail to deposit or secure such sum as aforesaid, the Board of Trade may after considering any representations which the local authority may make, revoke this Order as to the whole or, with the consent of the
30 Undertakers, any part of the area of supply, upon such terms as they may think just.

- The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector, to be appointed by the Board
35 of Trade, that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, or at such earlier dates
40 by such instalments as may be approved by the Board of Trade.

8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the
45 accounts kept by them in respect of any other undertaking or business.

Separate accounts to be kept of undertaking.

A.D. 1891.

Ipswich.
Audit of
Undertakers
accounts.

9. The annual statement of accounts of the undertaking, before being published, as provided by section nine of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the Board of Trade shall appoint, and the remuneration of the auditor shall be such as the Board of Trade shall direct, and the same and all expenses incurred by him in or about the execution of his duties, to such an amount as the Board of Trade shall approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt. 5

The Undertakers shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit, and shall, when required, furnish to him and them all vouchers and information requisite for such purpose, and shall afford to him and them all facilities for the proper execution of his and their duty. 10 15

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted, or otherwise for the purpose of giving effect to the provisions of this section.

Any report made by the auditor, or such portion thereof as the Board of Trade shall direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of this section. 20

Nature and Mode of Supply.

Systems and
mode of
supply.

10. Subject to the provisions of this Order and the principal Act, the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act, provided as follows:— 25

- (1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and 30
- (2.) The Undertakers shall not without the express consent of the local authority and of the Board of Trade place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply, and 35
- (3.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid, unless such connexion is, for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval. 40

Works.

Powers for
execution of
works.

11. Subject to the provisions of this Order and the principal Act, the Undertakers may exercise all or any of the powers conferred on them by

this Order and the principal Act, and may break up such streets, not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule, so far as such streets, railways, and tramways may for the time being be included in the area of supply, and be,
 5 or be upon, land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

A.D. 1891.
Ipswich.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by
 10 the local authority or any railway or tramway, except such streets, railways, or tramways (if any), or such parts thereof as are specified in the said schedule, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, or of the Board of Trade under section thirteen of the Electric Lighting Act, 1882, and where the Board of
 15 Trade give such consent, the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates, as if it had been specified in the said schedule.

12. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may construct in any
 20 street such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of such boxes: Provided that no such box or apparatus shall be placed above ground, except with the consent of the local authority, body, or person by whom such street is repairable.

Street boxes.

Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Board of Trade may otherwise order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing or controlling the supply of energy, or for
 30 examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking; and the Undertakers may place therein meters, switches, and any other suitable and proper apparatus for any of the above purposes.

Every such box, including the upper surface or covering thereof, shall be
 35 constructed of such materials, and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger, whether by reason of inequality of surface or otherwise.

The local authority may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such boxes,
 40 and if the Undertakers during any hours not so prescribed, remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority, they shall be liable to a penalty not exceeding five pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to
 45 any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers

A.D. 1891. complied with the requirements of this section so far as was reasonable under the circumstances.

Ipswich.

Notice of works, with plan, to be served on the Postmaster-General and local authority.

13. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in, under, along, or across any street or public bridge, the following provisions shall have effect:—

- (a.) One month before commencing the execution of such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General and the local authority describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed, and the manner in which it is intended that such street or bridge, or any sewer, drain, or tunnel therein or thereunder, is to be interfered with, and shall, upon being required to do so by the Postmaster-General or the local authority, give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included. 10
- (b.) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers. 20
- (c.) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapprove of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter, and allow or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same. 25
- (d.) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them, he or they shall be deemed to have approved such works and plan. 30
- (e.) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved, or is to be deemed to have been approved, by the Postmaster-General and the local authority, or by the Board of Trade, as above mentioned; but where any such works, description and plan are so approved, or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of the principal Act. 35 40
- (f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the 45

provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

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Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law, in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers works or their supply of energy.

14. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street or part of a street not repairable by the local authority or over or under any railway, tramway, or canal, the following provisions shall have effect, unless otherwise agreed between the parties interested:—

As to streets not repairable by local authority, railways, tramways, and canals.

(a.) One month before commencing the execution of any such works (not being the repairs, renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the "owners," describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

(b.) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given to the provisions thereof.

(c.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question unless settled by agreement, shall be settled by arbitration accordingly.

(d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in

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respect of such street, railway, tramway, or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible.

- (e.) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served 5 upon them, any question required to be settled by arbitration has been so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew and amend the same (provided that their character 10 and position are not altered) but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as hereinbefore mentioned, or as may be agreed upon between the parties. 15
- (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works.
- (g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any 20 interference with any railway level crossing or any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to the owners not less than 24 hours notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by 25 their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act. 30
- (h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason 35 thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and 40 that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Street authority, &c., may give notice of desire to break

15. Any body or person for the time being liable to repair any street or part of a street, or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order, 45

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*Ipswich.*up streets, &c.,
on behalf of
Undertakers.

may, if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, tunnels, or other works vested in or under the control or management of such body or person, and may amend or revoke any such notice by another notice similarly served. Where any such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested:—

(a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency.

(b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.

(c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.

(d.) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.

(e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice; but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice.

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(*f.*) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 5

(*g.*) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers, and may be recovered summarily. 10

(*h.*) The givers of the notice may, if they think fit, require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given. 15 20

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up, filling in, re-instating, or making good any such street or part of a street, or any such bridges, sewers, drains, tunnels, or other works or railway or tramway, as in this section mentioned. 25

As to alterations of pipes, wires, &c., under streets.

16. The Undertakers may alter the position of any pipes (not forming part of any sewer of the local authority), or any wires being under any street or place authorised to be broken up by them, which may interfere with the exercise of their powers under the principal Act or this Order; and any body or person may in like manner alter the position of any electric lines or works of the Undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested:— 30 35

(*a.*) One month before commencing any such alterations the Undertakers, or such body or person (as the case may be), in this section referred to as “the operators” shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the case may be), in this section referred to as “the owners” describing the proposed alterations, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being 40 45

required to do so by any such owners, give them any such further information in relation thereto as they may desire. A.D. 1891.

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- 5 (b.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof, or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.
- 10 (c.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works, so as to avoid interference with any purpose for which such pipes, wires,
- 15 electric lines, or works are used so far as may be possible.
- 20 (d.) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or secure, may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so
- 25 served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.
- 30 (e.) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to
- 35 comply with such notification as herein-after provided.
- 40 (f.) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.
- 45 (g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable.

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(*h.*) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations, in like manner as they might have done if no such statement as aforesaid had been served upon them. 5

(*i.*) All expenses properly incurred by any owners in complying with any notifications of any operators under this section shall be repaid to them by such operators, and may be recovered summarily.

(*j.*) Any owners may, if they think fit, by any statement served by them under this section, upon any operators not being a local authority, require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given. 10 15

(*k.*) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances. 20 25

Laying of
electric lines,
&c., near
sewers, &c.,
or gas or water
pipes, or other
electric lines.

17. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the local authority, or any main, pipe, syphon, electric line, or other work belonging to any gas electric supply, or water company has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or such gas or water company (as the case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the local authority, or to such gas, electric supply, or water company, or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than three days notice before commencing to dig or sink such trench as aforesaid, and such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements 30 35 40 45

as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

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- 5 Where the operators find it necessary to undermine but not alter the position of any pipe, electric line, or work, they shall temporarily support the same in position during the execution of their work, and before completion provide a suitable and proper foundation for the same where so undermined.
- 10 Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains, pipes, lines, or services belonging to any gas, electric supply, or water company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade; and the Undertakers shall not, except with the consent of the gas,
- 15 electric supply, or water company as the case may be, and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, lines, or services, or, except with the like consent, employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.
- 20 Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur

25 by reason thereof; and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds; provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied

30 with the requirements and restrictions of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

- 35 For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas; the expression "water company" shall mean any body or person lawfully supplying water or water power; and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this Order.

- 40 18. In the exercise of any of the powers of this Order relating to the execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works or conveniences belonging to any railway or canal company, nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection
of railway and
canal com-
panies.

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For protection
of telegraphic
and telephonic
wires.

19. (1) The Undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions, and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down, or placed their electric lines or other works, or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration, and the arbitrator (unless he is of opinion that such wire or line, not having been so in existence at such time as aforesaid, has been constructed or placed without reasonable precautions against such injurious affection) may direct the Undertakers to make any alterations in, or additions to, their system so as to comply with the provisions of this section, and the Undertakers shall make such alterations or additions accordingly.

(2) Seven days before commencing to lay down or place any electric line, or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line, notice in writing specifying the course, nature, and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used, and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing or user of such electric line, for the purpose of preventing such injurious affection, and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line, and the amount and nature of the current transmitted thereby, are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section, they shall make full compensation to every

such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

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Compulsory Works.

20.—(1.) The Undertakers shall, within a period of two years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule, and shall thereafter maintain the same.

Mains, &c., to be laid down in streets specified in Second Schedule, and in remainder of area of supply.

(2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them, or such further time as may in any case be approved of by the Board of Trade.

(3) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, company, or person by whom such street is repairable consent to the breaking up thereof), forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act, 1882, for the written consent of the Board, authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

21. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer, and not for the purposes of general supply, the Undertakers shall serve upon the local authority, and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and

As to laying of electric line under special agreement.

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termination of the electric line so to be laid, a notice stating that the Undertakers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require, in accordance with the provisions of this Order, that a supply shall be given to their premises, the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer. 5

If Undertakers fail to lay down mains, &c., Order may be revoked.

22. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may, after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, or, if the Undertakers so desire, may, after having given an opportunity to the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof, subject to such conditions as they may think fit to impose, and any conditions so imposed shall be binding on and observed by the Undertakers, and shall be of the like force and effect in every respect as though they were contained in this Order. 10 15 20

Manner in which requisition is to be made.

23. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street, or, where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority. 25

Every such requisition shall be signed by the person making the same, or by the local authority (as the case may be), and shall be served upon the Undertakers. 30

Forms of requisition shall be kept by the Undertakers at their office, and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same, and any requisition so supplied shall be deemed valid in point of form. 35

Provisions on requisition by owners or occupiers.

24. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom such requisition is signed, stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years, of such amount in the aggregate (to be specified by the Undertakers in such notice) as will, at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply, produce annually such reasonable sum as 40 45

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shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not, without the authority of the Board of Trade, specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served, the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons, or some of them, binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied, they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade, who, after such inquiry, if any, as they shall think fit, may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or per-centage, whether calculated as herein-before provided or otherwise, as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly. In the case of any such appeal to the Board of Trade, any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any person signing any such requisition as to any such notice or agreement such difference shall be determined by arbitration.

25. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected, or within fourteen days thereafter, there be tendered to the Undertakers (if required by them) an agreement executed by the local authority, and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which the requisition is made as may be under their management or control.

Provisions on
requisition by
local authority.

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Supply.

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Undertakers
to furnish
sufficient
supply of
energy to
owners and
occupiers
within the
area of supply.

26. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order, or any regulations and conditions, subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following (that is to say):

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

Provided always that the Undertakers may, after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given

has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

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- 5 Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner, or uses the energy supplied to him by the Undertakers for any purposes, or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers, the Undertakers may, if
- 10 they think fit, discontinue to supply energy to such premises so long as such user continues.

- Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition,
- 15 and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined by arbitration.

- 20 27. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises : Provided that where any consumer has required the Undertakers to supply him with a maximum power of any
- 25 specified amount, he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration, shall
- 30 be paid by him to the Undertakers, and may be recovered summarily as a civil debt.

Maximum power.

- If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section, such
- 35 difference shall be determined by arbitration.

28. The Undertakers upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of
- 40 energy for the purposes of general supply under this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Supply of public lamps.

29. Whenever the Undertakers make default in supplying energy to any
- 45 owner or occupier of premises to whom they may be and are required to

Penalty for failure to supply.

A.D. 1891. supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which
Ipswich. any such default occurs.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp, and for each day on which any such default occurs. 5

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf. 10

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply. 15 20

Price.

Methods of
charging.

30. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1.) By the actual amount of energy so supplied; or 25
- (2.) By the electrical quantity contained in such supply; or
- (3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him, or by the electrical quantity contained in such supply and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method. 30

Provided also that, before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the local authority by what method they propose to charge for energy supplied through such main, and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement; and, where the Undertakers have given any such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main. 35 40

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Maximum
prices.

31. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade, such prices as the Board of Trade shall on approving such method determine.

5 Provided that if the local authority or the Undertakers shall, at any time after the expiration of seven years after the commencement of this Order, make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered, the Board of Trade, after such inquiry as they may think fit, may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order, as if they had been stated in the said schedule: 10
15 Provided also, that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

32. Subject to the provisions of this Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned, the Undertakers may make any agreement with a consumer as to the price to be charged for energy, and the mode in which such charges are to be ascertained, and may charge accordingly.

Other charges
by agreement.

25 33. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained, shall be settled by agreement between the local authority and the Undertakers, and in case of difference, by arbitration, regard being had to the circumstances of the case and the distributing or 30 other mains (if any) which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district.

Price to public
lamps.*Electric Inspectors.*

34. The local authority, so long as they are not themselves the Undertakers for the purposes of this Order, may appoint, and keep appointed, one or 35 more competent and impartial person or persons to be electric inspectors under this Order.

Appointment
of electric
inspectors.

If no electric inspector is appointed by the local authority, or if the inspection of electric lines and works is imperfectly attended to by the local authority, or if the local authority themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any 40 consumer, or of the Undertakers, appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

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The duties of an electric inspector under this Order shall be as follows:—
(a.) The inspection and testing, periodically and in special cases, of the Undertakers electric lines and works and the supply of energy given by them;

(b.) The certifying and examination of meters; and

(c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

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The local authority, with the approval of the Board of Trade,* or the Board of Trade, if the inspector is appointed by them, may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and such fees shall be accounted for and applied as may be directed by the local authority or the Board of Trade, as the case may be.

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Remuneration
of electric
inspectors.

35. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine, and such remuneration may be in addition to, or in substitution for, any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act, according as the local authority shall determine.

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Inquiry by
Board of
Trade.

36. The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers works, or as to the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with by the Undertakers; and any person appointed under this section, not being an electric inspector, shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

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Testing and Inspection.

Testing of
mains.

37. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but, except under the provisions of a special order in that behalf made by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. Provided also that such testings

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shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade.

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38. An electric inspector, if and when required to do so by any consumer, shall, on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Testing of
works and
supply on
consumer's
premises.

39. The Undertakers shall at such places within a reasonable distance from a distributing main, establish at their own cost and keep in proper condition such reasonable number of testing stations as the local authority, or where the local authority are the Undertakers, as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

Undertakers to
establish
testing
stations.

- If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any excessive or improper use of energy for such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

40. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence.

Undertakers
to keep instru-
ments on their
premises.

41. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments, at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence.

Readings of
instruments
to be taken.

42. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the

Electric
inspectors
may test
Undertakers
instruments.

A.D. 1891. same are not in order he may require the Undertakers forthwith to have the same put in order.

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Representation
of Undertakers
at testings.

43. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection. 5

Undertakers to
give facilities
for testing.

44. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound. 10

Report of
results of
testing.

45. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the local authority, Board of Trade, or consumer (as the case may be), by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence. 15 20

If the Undertakers, the local authority, or any consumer are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties. 25

Expenses of
electric
inspectors.

46. Save as otherwise provided by this Order, or by any regulations under this Order, all fees and reasonable expenses of an electric inspector, shall, unless agreed, be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade, and shall be paid by the Undertakers. 30

Provided that where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, such fees and expenses shall, on being ascertained as above mentioned, be paid by such consumer or consumers as the court or Board, having regard to such report or decision shall direct, and may be recovered summarily as a civil debt. 35

Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

Meters.

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Meters to be
used, except
by agreement.

47. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge),

in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

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- 5 48. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electrical inspector appointed under this Order to be a correct meter, and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade; and every such meter is in this
- 10 Order referred to as a "certified meter": Provided that where any alteration is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines, such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.
- 15 49. Every electric inspector, on being required to do so by the Undertakers, or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value of the supply, and shall certify the same as a certified meter if he considers it entitled to be so certified.
- 20 50. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly
- 25 certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable hours and execute all necessary works and do all necessary acts: Provided that previously to supplying any such meter, the Undertakers may require such consumer to pay to them a reasonable sum in respect of
- 30 the price of such meter, or to give security therefor, or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.
51. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through
- 35 which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line, unless he has given to the Undertakers not less than forty-eight hours notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.
52. Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is to be ascertained, in proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

Meters to be certified.

Inspectors to certify meters.

Undertakers to supply meters if required to do so.

Meters not be connected or disconnected without notice.

Consumer to keep his meter in proper order.

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The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring such meter to be again duly certified, where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

Power to the
Undertakers
to let meter.

53. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to
keep meter let
for hire in
repair.

54. The Undertakers shall, unless the agreement of hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and, in default of their so doing, the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified, where such re-certifying is thereby rendered necessary, shall be paid by the Undertakers.

Differences as
to correctness
of meter to be
settled by
inspector.

55. If any difference arises between any consumer and the Undertakers as to whether any meter, whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined upon the application of either party by an electric inspector or, where the local authority are the consumers, by an inspector to be appointed by the Board of Trade, who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid, the register of the meter shall be conclusive evidence, in the absence of fraud, of the value of the supply.

Undertakers to
pay expenses
of providing
new meters
where methods
of charge
altered.

56. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the Undertakers change the method of charging for energy supplied by them from such main, the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses may

be recovered by the consumer from the Undertakers summarily as a civil debt. A.D. 1891.

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57. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum power taken by such consumer, or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern, and shall be fixed and connected with the service lines in some manner approved by the Board of Trade, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Undertakers may place meters to measure supply or to check measurement thereof.

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Maps.

58. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply, and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Map of area of supply to be made and deposited.

- Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the Undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof, taken by such applicant, as they may prescribe.
- 35 The Undertakers shall, if so required by the Board of Trade or the local authority or the Postmaster-General, supply to them or him, a copy of any such map or section, and cause such copy to be duly corrected so as to agree with the original or originals thereof, as kept for the time being at the office of the Undertakers.
- 40 If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

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Special Provisions in case of Transfer.

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Application of
moneys re-
ceived by the
local authority
as Undertakers.

59. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect :—

- (A.) All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money (b) money arising from the disposal of lands acquired for the purposes of this Order, and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows :—
- (1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties, and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers, their officers or servants in relation to the undertaking. 10
 - (2.) In payment of the interest or dividend on any mortgages, stock, or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes. 15
 - (3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.
 - (4.) In payment of all other their expenses of executing this Order, not being expenses properly chargeable to capital. 20
 - (5.) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, and the resulting income thereof in Government securities, or in any other securities in which trustees are by law for the time being authorised to invest, other than stocks or securities of the Undertakers, and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking, or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens. 25 30 35

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund, when amounting to the prescribed limit, to the credit of the local rate as defined by the principal Act, or at their option shall apply such surplus, or any part thereof, to the improvement of the district for which they are the local authority, or in reduction of the capital moneys borrowed for electricity purposes. 40

Provided always, that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the 45

charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

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Ipswich.

5 Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

10 (B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows :

- 15 (1.) In the reduction of the capital moneys borrowed by them for electricity purposes.
(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

60. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect :—

Purchase and
use of lands.

20 Subject to the provisions of this Order and the principal Act, the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purposes use any other lands which may for the time being be vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them

25 under the provisions of this section which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres, except with the consent of the Board of Trade.

30 Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order, ten or more houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

35 For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of

40 any of such persons who may be residing with them.

61. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act" shall mean

Incorporation
of sections 264
and 265 of
Public Health
Act, 1875.

A.D. 1891. this Order and the principal Act, and the "local authority" shall mean the
 Ipswich. local authority as such Undertakers.

Notices, &c.

Notices, &c.
 may be
 printed or
 written.

62. Notices, orders, and other documents under this Order may be in writing or in print, or partly in writing and partly in print, and where 5
 any notice, order or document requires authentication by the local authority, the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

Service of
 notices, &c.

63. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by 10
 the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:—

- (a.) In the case of the Board of Trade, the office of the Board of Trade;
- (b.) In the case of the Postmaster-General, the General Post Office;
- (c.) In the case of any county council, the office of such council; 15
- (d.) In the case of any local authority, the office of such local authority;
- (e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company;
- (f.) In the case of a company having an office or offices, but no registered 20
 office, the principal office of that company;
- (g.) In the case of any other person, the usual or last known place of abode of such person.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly 25
 addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or if there is no 30
 person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works, or the performance 35
 of any duty or act, is less than seven days, the following days shall not be reckoned in the computation of such time: that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving. 40

Revocation of Order.

Revocation of
 Order where
 Undertakers
 are insolvent.

64. If at any time after the commencement of this Order the local authority make a representation to the Board of Trade that the Undertakers have made any default in executing works or supplying energy in accordance with the

terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade shall inquire into the truth of
 5 such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, after considering any representations of the local authority, revoke this Order as to the whole, or with the consent of the Undertakers, as to any part of the area of supply.

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65. If at any time after the commencement of this Order the Undertakers
 10 represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers
 15 and of the local authority) as to any part of the area of supply.

Revocation of
 Order where
 undertaking
 cannot be
 carried on
 with profit.

66. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority, upon such terms as the Board of Trade may think just.

Revocation of
 Order with
 consent.

20 67. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect:—

Provisions
 where Order
 revoked.

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority, and shall in such notice fix a
 25 date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine.

(b.) Within two months after the service of such notice by the Board of
 30 Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking or such part thereof as aforesaid, upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by
 35 them for the purposes of the undertaking or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act.

(c.) Where any purchase is so effected, the undertaking, or part thereof so
 40 purchased, shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the Undertakers or attaching to the undertaking; and the revocation of this Order, as to the whole of the area of supply, or such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obligations of
 45 the Undertakers from whom the undertaking, or such part thereof as

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aforesaid, is purchased in relation to the supply of energy within such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority.

- (d.) Where no purchase has been effected under the preceding provisions of this section, the local authority, and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed, may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care, and the Undertakers shall pay to the local authority, or other such body or person as aforesaid, such reasonable costs of such removal, and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them) as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice, or the delivery of the award of the arbitrator (as the case may be), the local authority, or other such body or person as aforesaid may, without any previous notice to the Undertakers, but without prejudice to any other remedy which they may have for the recovery of the amount sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit; and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

- (e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers by this Order granted to the Undertakers, or for any expenses to which such local authority, body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid, shall be determined by an arbitrator, to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

General.

A.D. 1891.

Ipswich.
Remedying of
system and
works.

68. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part
 5 of their circuits to be connected with earth or have placed any electric line above ground in contravention of this Order; or (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy
 10 under this Order; or (c) that any works of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be
 15 necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.
- 20 The Board of Trade may also, if they think fit, by the same or any other order, made upon any such representation as aforesaid, forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use
 25 thereof is so forbidden, they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

- If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof within the period limited
 30 in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

69. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking and for the time being in force, shall within one month after the same, as made or last altered, have
 35 come into force, be printed at the expense of the Undertakers, and a true copy thereof, certified by or on behalf of the Undertakers, shall be forthwith served upon the local authority and like copies shall be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each
 40 copy.

Publication of
regulations.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

- A.D. 1891. 70. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default of agreement may be determined, on the application of either party, by a court of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands. 5 10
- Proceedings of Board of Trade. 71. All things required or authorised under this Order to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or assistant secretary of the Board. 15
- All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof unless the contrary is shown. 20
- A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the act so certified.
- Approval or consent of Board of Trade. 72. Where this Order provides for any consent or approval of the Board of Trade, the Board may give such consent or approval subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit. All costs and expenses of or incident to any approval, consent, or order of the Board of Trade or of any inspector or person appointed by the Board of Trade, including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made, to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same, as they may think fit, to be prepared and deposited at their office at the expense of the said applicant or applicants, and may, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary. 25 30 35
- Notice of approval of Board of Trade &c. to be given by advertisement. 73. Where the Board of Trade, upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or where the Board of Trade, upon the application of the local authority, or the Undertakers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two 40 45

successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

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Notice of application for extension of time &c. to be given to local authority.

74. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers notice of such application shall be served on the local authority by the Undertakers, and an opportunity shall be given to the local authority to make representations or objections with reference thereto.

75. All penalties, fees, expenses and other moneys recoverable under this Order, or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Recovery and application of penalties.

Any penalty recovered on prosecution by an officer of the local authority shall, if there is an electric inspector for the time being appointed by the local authority, be paid to such officer, and by him to the local authority, and shall be applied in aid of the local rate.

Any penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court shall so direct, be paid to such body or person.

76. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers works, and shall save harmless all authorities, bodies and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

Undertakers to be responsible for all damages.

77. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section two of the Electric Lighting Act, 1888, or under this Order and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

As to mortgages.

78. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving clause for Postmaster-General.

79. Nothing in this Order shall authorise the Undertakers to take, use or in any manner interfere with any portion of the shore or bed of the sea or of

Saving rights of the Crown in the fore-shore.

A.D. 1891. any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty. 5

Ipswich.

Undertakers
not exempted
from proceed-
ings for
nuisance.

80. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them. 10

Provision as to
general Acts.

81. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity, or to the supply of or price to be charged for energy, which may be passed after the commencement of this Order. 15

Temporary Provision.

Removal of
existing over-
head wires.

82. Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except so far as the placing thereof above ground is necessary for the purposes of supply) they shall be removed by the Undertakers within a period of one year after such commencement. 20

Within nine months after the commencement of this Order the Undertakers shall furnish to the local authority a description of the electric lines, if any, which in their opinion are necessarily placed above ground and ought not to be removed, and any dispute between the Undertakers and the local authority as to whether any such electric lines are necessarily so placed shall be determined by the Board of Trade, and in any proceeding under this section by or at the instance of the local authority, the decision of the Board of Trade shall be conclusive evidence of the fact that such electric lines are or are not necessarily so placed as the case may be. 25 30

If the Undertakers fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made, may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit. 35

SCHEDULES.

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FIRST SCHEDULE.

Area of Supply.

The municipal borough of Ipswich as the same is constituted at the commencement of this Order.

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order.

10 So much of the following streets as lies within the area of supply :—

St. Matthews Street from Westgate Street to its junction with Berners Street, Westgate Street, Cornhill, Tavern Street, Carr Street from Upper Brook Street to Cox Lane, Old Foundry Road from Northgate Street to Great Coleman Street, Northgate Street, Upper Brook Street, Tacket Street
15 from Upper Brook Street to the entrance gate of Tacket Street Chapel, Butter Market, Princes Street from Cornhill to the Cattle Market Place, Queen Street, St. Nicholas Street and St. Peter's Street from St. Nicholas Street to No. 16. St. Peter's Street.

THIRD SCHEDULE.

20 List of streets not repairable by the local authority, railways and tramways, which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

(a.) Streets :—

So much of the following streets and places not repairable by the local
25 authority, as is within the area of supply.

Parade Terrace, Parade Road, River Street, Brunswick Road, Hutland Road, Sidegate Lane, Rushmere Road, Cauldwell Avenue, Holland Road, Tovell's Road, Nelson Road, Kirby Street, Milton Street, Howard Street, Britannia Road, Crabb Street, Cowper Street, Bloomfield Street, Kemble Street, Free-
30 hold Road, Parliament Road, Cavendish Street, White Elm Street, Alston

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Road, Vicarage Road, Newton Road, York Road, Derby Road, Suffolk Road, North Hill Road, Charles Street, Dalehall Lane, St. Edmund's Road, Broughton Road, Constitution Hill, Graham Road, Richmond Road, Springfield Lane, Russell Road, Tyler Street, Bright Street, Robinson Street, Harland Street, Rapier Street, Patteson Road, Cliff Road, Shiplaunch Road, Unity Street, 5 Albion Street.

(b.) Railways :—

The level crossings of the Great Eastern Railway

(i) At Westerfield Station on the Great Yarmouth Branch (ii) Over the Ranelagh Road near the Ipswich Station. 10

(c.) Tramways :—

The tramways of the Ipswich Tramways Company, Limited.

FOURTH SCHEDULE.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of 15 one volt during one hour.

Section 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter :—For any amount up to twenty units, thirteen shillings 20 and fourpence ; and for each unit over twenty units, eightpence.

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of 25 energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

IPSWICH ELECTRIC LIGHTING.

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Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to Laurence, Scott and Co., Limited, in respect of the Borough of Ipswich.

5

Preliminary.

1. This Order may be cited as the Ipswich Electric Lighting Order, 1891. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of
10 Acts are in this Order collectively referred to as "the principal Act"; and the several words, terms, and expressions to which by the principal Act meanings are assigned, shall have in this Order the same respective meanings, provided that in this Order—

15 The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882:

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied:

20 The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

25 The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

30 The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

35 The expression "general supply" shall mean the general supply of energy to ordinary consumers, and, unless otherwise specially agreed with the local authority, to the public lamps, but shall not include the supply of energy to any one or more particular consumers under special agreement:

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order:

40 The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers.

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The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines.

The expression "telegraphic line," when used with respect to any telegraphic line of the Postmaster-General, shall have the same meaning as in the Telegraphic Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected.

The expression "railway" shall include any tramroad, that is to say, any tramway other than a tramway herein-after defined.

The expression "tramway" shall mean any tramway laid along any street.

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof.

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule" shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively.

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade.

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 88 feet, and where possible a section drawn to the same horizontal scale as the plan, and to a vertical scale of at least one inch to 11 feet, with such detail plan and sections as may be necessary.

Commence-
ment of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Address and Description of the Undertakers,

30

Address and
description of
Undertakers.

4. The Undertakers for the purpose of this Order are Laurence, Scott and Co., Limited, being a company registered under the Companies Acts, 1862 to 1883, with limited liability, and having its registered offices at Gothic Works, King Street, in the city of Norwich.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order, or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license, Provisional Order, or special Act unless the Undertakers are authorised by Parliament to do so.

If in contravention of this section the Undertakers purchase or acquire any such undertaking or associate themselves with such other company or person the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think just.

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Ipswich.

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Area of Supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon edged with blue. Area of supply.

- 10 6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply, otherwise than under the authority of Parliament, or under a license granted by the Board of Trade under the principal Act. Prohibition of supply beyond area of supply.
- 15 If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

- 20 7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply. Security for execution of works.
- 25 The Undertakers shall also, within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of one thousand pounds.
- 30 If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned, or fail to deposit or secure such sum as aforesaid, the Board of Trade may, after considering any representations which the local authority may make, revoke this Order as to the whole, or, with the consent of the
- 35 Undertakers, any part of the area of supply, upon such terms as they may think just.

The said sum deposited or secured by the Undertakers under the provisions of this section, shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector, to be appointed by the Board of Trade, that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes

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of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, or at such earlier dates and by such instalments as may be approved by the Board of Trade.

Separate
accounts to be
kept of under-
taking.

8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

Audit of
Undertakers
accounts.

9. The annual statement of accounts of the undertaking, before being published as provided by section nine of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the Board of Trade shall appoint, and the remuneration of the auditor shall be such as the Board of Trade shall direct, and the same and all expenses incurred by him in or about the execution of his duties, to such an amount as the Board of Trade shall approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt.

The Undertakers shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit, and shall when required furnish to him and them all vouchers and information requisite for such purpose, and shall afford to him and them all facilities for the proper execution of his and their duty.

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted, or otherwise for the purpose of giving effect to the provisions of this section.

Nature and Mode of Supply.

Systems and
mode of supply.

10. Subject to the provisions of this Order and the principal Act, the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act, provided as follows :—

- (1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade, and subject to such regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may impose ; and
- (2.) The Undertakers shall not, without the express consent of the local authority and of the Board of Trade, place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply ; and
- (3.) The Undertakers shall not permit any part of any circuit to be connected with earth, except so far as may be necessary for carrying out

the provisions of any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval.

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Works.

11. Subject to the provisions of this Order and the principal Act, the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets, not repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule, so far as such streets, railways, and tramways may for the time being be included in the area of supply, and be, or be upon, land dedicated to public use : Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.
- 15 Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority, or any railway or tramway, except such streets, railways, or tramways (if any), or such parts thereof, as are specified in the said schedule, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, or of the Board of Trade, under section thirteen of the Electric Lighting Act, 1882, and where the Board of Trade give such consent, the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates as if it had been specified in the said schedule.
- 25 12. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of such boxes : Provided that no such box or apparatus shall be placed above ground, except with the consent of the local authority, body, or person by whom such street is repairable.

Powers for
execution of
works.

Street boxes.

- Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Board of Trade may otherwise order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing, or controlling the supply of energy, or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking ; and the Undertakers may place therein meters, switches, and any other suitable and proper apparatus for any of the above purposes.

Every such box, including the upper surface or covering thereof, shall be constructed of such materials, and shall be constructed and maintained by the Undertakers in such manner, as not to be a source of danger whether by reason of inequality of surface or otherwise.

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The local authority may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such boxes, and if the Undertakers, during any hours not so prescribed, remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority, they shall be liable to a penalty not exceeding five pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Notice of
works, with
plan, to be
served on the
Postmaster-
General and
local authority.

13. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in, under, along, or across any street or public bridge, the following provisions shall have effect:—

- (a.) One month before commencing the execution of such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a notice upon the Postmaster-General and the local authority describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed, and the manner in which it is intended that such street or bridge, or any sewer, drain, or tunnel therein or thereunder, is to be interfered with, and shall, upon being required to do so by the Postmaster-General or the local authority give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.
- (b.) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers.
- (c.) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter, and allow or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same.
- (d.) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them, he or they shall be deemed to have approved such works and plan.
- (e.) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have

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been approved by the Postmaster-General and the local authority, or by the Board of Trade, as above mentioned; but where any such works, description, and plan are so approved or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of the principal Act.

(f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers works or their supply of energy.

14. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street or part of a street not repairable by the local authority or over or under any railway, tramway, or canal, the following provisions shall have effect, unless otherwise agreed between the parties interested:—

As to streets, not repairable by local authority, railways, tramways, and canals.

(a.) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the "owners" describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

(b.) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given to the provisions thereof.

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- (c.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly. 5
- (d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway, or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible. 10
- (e.) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties. 15 20
- (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works. 25
- (g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing, or with any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to the owners not less than 24 hours notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act. 30 35
- (h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not 40 45

exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

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15. Any body or person for the time being liable to repair any street or part of a street, or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order, may, if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, tunnels, or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served. Where any such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested:—
- (a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency.
- (b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.
- (c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.
- (d.) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.

Street authority may give notice of desire to break up streets, &c., on behalf of Undertakers.

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- (e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice; but in such case the Undertakers shall, within twelve 5 hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice.
- (f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds 10 for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the 15 circumstances.
- (g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers, and may be recovered summarily.
- (h.) The givers of the notice may, if they think fit, require the Undertakers 20 to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a 25 court of summary jurisdiction, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the 30 Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up, filling in, reinstating, or making good any such street or part of a street, or any such bridges, sewers, drains, tunnels, or other works, or railway or tramway as in this section mentioned. 35

As to alteration
of pipes, wires,
&c. under
streets.

16. The Undertakers may alter the position of any pipes (not forming part of any sewer of the local authority), or any wires being under any street or place authorised to be broken up by them, which may interfere with the exercise of their powers under the principal Act or this Order; and any body or person may in like manner alter the position of any electric lines or works 40 of the Undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions, unless otherwise agreed between the parties interested:—

- (a.) One month before commencing any such alterations the Undertakers, or 45 such body or person (as the case may be), in this section referred to as

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“the operators,” shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the case may be), in this section referred to as “the owners,” describing the proposed alterations, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

(b.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works, or to any compensation in respect thereof, or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.

(c.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works, so as to avoid interference with any purpose for which such pipes, wires, electric lines, or works are used so far as may be possible.

(d.) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or secure, may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

(e.) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such notification as herein-after provided.

(f.) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.

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(g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable. 5

(h.) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them. 10

(i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators, and may be recovered summarily.

(j.) Any owners may, if they think fit, by any statement served by them under this section upon any operators under this section, not being a local authority, require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given. 15 20

(k.) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances. 25 30

Laying of
electric lines,
&c. near
sewers, &c. or
gas or water
pipes, or other
electric lines.

17. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the local authority, or any main, pipe, syphon, electric line, or other work belonging to any gas, electric supply, or water company has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or such gas or water company (as the case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the 35 40 45

parties interested, or in case of sudden emergency, give to the local authority, or to such gas, electric supply, or water company, or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than three days notice before commencing to dig or sink such trench as aforesaid,

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- 5 and such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners
- 10 thereof, repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe, electric line, or work, they shall temporarily support the same in position during the execution of their works, and before completion provide a suitable and proper foundation for the same where so undermined.

- 15 Where the operators (being the Undertakers) lay any electric line, crossing or liable to touch any mains, pipes, lines, or services belonging to any gas, electric supply, or water company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade; and the Undertakers shall not, except with the consent of the gas,
- 20 electric supply, or water company, as the case may be, and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, lines, or services, or, except with the like consent, employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

- Any question or difference which may arise under this section shall be
- 25 determined by arbitration.

- If the operators make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof; and in addition thereto they shall be liable to a penalty
- 30 not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions of this section so far as was reasonable
- 35 under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence, pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

- For the purposes of this section the expression "gas company" shall mean
- 40 any body or person lawfully supplying gas: the expression "water company" shall mean any body or person lawfully supplying water or water power; and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this Order.

18. In the exercise of any of the powers of this Order relating to the
- 45 execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works, or conveniences belonging to any railway or canal

For protection
of railway
and canal
companies.

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For protection
of telegraphic
and telephonic
wires.

company, nor obstruct or interfere with the working of the traffic passing along any railway or canal.

19.—(1.) The Undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions, and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down, or placed their electric lines or other works, or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby, such question shall be determined by arbitration; and the arbitrator (unless he is of opinion that such wire or line, not having been so in existence at such time as aforesaid, has been placed in unreasonable proximity to the electric lines and works of the Undertakers) may direct the Undertakers to make any alterations in, or additions to, their system so as to comply with the provisions of this section, and the Undertakers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line, or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line, notice in writing specifying the course, nature, and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used; and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing, or user of such electric line, for the purpose of preventing such injurious affection; and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line, and the amount and nature of the current transmitted thereby are not altered.

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(3.) If in any case the Undertakers make default in complying with the requirements of this section, they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

20.—(1.) The Undertakers shall, within a period of two years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule, and shall thereafter maintain the same.

Mains, &c. to be laid down in streets specified in Second Schedule, and in remainder of area of supply.

(2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them, or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, company, or person by whom such street is repairable, consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act, 1882, for the written consent of the Board authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

21. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer, and not for the purposes of general supply, the Undertakers shall

As to laying of electric line under special agreement.

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serve upon the local authority, and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the Undertakers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises, the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

If Undertakers fail to lay down mains, &c., Order may be revoked.

22. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may, after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, or, if the Undertakers so desire, may, after having given an opportunity to the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof, subject to such conditions as they may think fit to impose, and any conditions so imposed shall be binding on and observed by the Undertakers, and shall be of the like force and effect in every respect as though they were contained in this Order.

Manner in which requisition is to be made.

23. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street, or, where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority.

Every such requisition shall be signed by the persons making the same, or by the local authority (as the case may be), and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office, and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same, and any requisition so supplied shall be deemed valid in point of form.

Provisions on requisition by owners or occupiers.

24. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom the requisition is signed, stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years, of such amount in the aggregate (to be specified by the Undertakers in such notice) as will, at the rates of charge for the time

being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply, produce annually such reasonable sum as shall be specified by the Undertakers in such notice:

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- Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.
- 10 Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons or some of
- 15 them, binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section, nor unless sufficient security for
- 20 the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

- If the Undertakers consider that the requisition is unreasonable, or that,
- 25 under the circumstances of the case, the provisions of this section ought to be varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, who, after such inquiry, if any, as they shall think fit, may, by order, either determine that the requisition is unreasonable, and shall not be binding upon the Undertakers, or may
- 30 authorise the Undertakers by their notice, to require a supply of energy to be taken for such longer period than three years, and to specify such sum or percentage whether calculated as herein-before provided or otherwise, as shall be fixed or directed by the Order, and the terms of the above-mentioned agreement shall be varied accordingly.

- 35 In case of any such appeal to the Board of Trade, any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

- If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement, such difference shall,
- 40 subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid, be determined by arbitration.

25. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected, or, within fourteen days thereafter, there be tendered to the
- 45 Undertakers (if required by them) an agreement executed by the local

Provisions on
requisition by
local
authority.

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authority, and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Supply.

5

Undertakers
to furnish
sufficient
supply of
energy to
owners and
occupiers
within the area
of supply.

26. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions, subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following; (that is to say,) 10 15

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers, although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier. 20

Every owner or occupier of premises requiring a supply of energy shall— 25

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and 30

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them. 35 40

Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or 45

occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given

5 has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

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10 Provided also, that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner, or uses the energy supplied to him by the Undertakers for any purposes, or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises so long as such user

15 continues.

Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers

20 or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined by arbitration.

27. The maximum power with which any such consumer shall be entitled

25 to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except

30 upon one month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a

35 civil debt.

Maximum
power.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

40 28. The Undertakers, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations

45 and conditions subject to which they are authorised to supply energy under

Supply of
energy to
public lamps.

A.D. 1891. this Order, shall give and continue to give a supply of energy to such
Ipswich. lamps in such quantities as the local authority may require to be supplied.

Penalty for
failure to
supply.

29. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceed- 5
 ing forty shillings in respect of every such default for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in 10
 respect of every such default for each such lamp, and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such 15
 penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in 20
 respect of any defaults not being wilful defaults on the part of the Under-
 takers for any one day, and provided also that in no case shall any penalty
 be inflicted in respect of any default if the court having cognizance of the
 case shall be of opinion that such default was caused by inevitable accident
 or force majeure or was of so slight or unimportant a character as not 25
 materially to affect the value of the supply.

Price.

Methods of
charging.

30. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1.) By the actual amount of energy so supplied ; or,
- (2.) By the electrical quantity contained in such supply ; or 30
- (3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their 35
 option by the actual amount of energy supplied to him, or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

Provided also that, before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall 40
 give notice to the local authority by what method they propose to charge for energy supplied through such main, and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement ; and, where the Undertakers have given any such notice, they

shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

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31. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade shall on approving such method determine.

Maximum
prices.

10 Provided that if the local authority or the Undertakers shall, at any time after the expiration of seven years after the commencement of this Order, make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered, the Board of Trade, after such inquiry as they may think fit, may make an order varying the prices or methods of charge stated in the said
15 schedule or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order, as if they had been stated in the said schedule: Provided also, that the prices and methods of charge for the time being in force may be altered in like
20 manner at any time after the expiration of any or every period of seven years after the same were last altered.

32. Subject to the provisions of this Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned, the Undertakers may make
25 any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained, and may charge accordingly.

Other charges
by agreement.

33. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges
30 shall be ascertained, shall be settled by agreement between the local authority and the Undertakers, and, in case of difference, by arbitration, regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district.

Price to public
lamps.

35 *Electric Inspectors.*

34. The local authority, so long as they are not themselves the Undertakers for the purposes of this Order, may appoint, and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

Appointment
of electric
inspectors.

40 If no electric inspector is appointed by the local authority, or if the inspection of electric lines and works is imperfectly attended to by the local authority, or if the local authority themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any

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consumer, or of the Undertakers, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows :—

- (a.) The inspection and testing, periodically and in special cases, of the Undertakers electric lines and works and the supply of energy given by them ;
- (b.) The certifying and examination of meters ; and,
- (c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The local authority with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and such fees shall be accounted for and applied as may be directed by the local authority or the Board of Trade, as the case may be.

Remuneration
 of electric
 inspectors.

35. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine, and such remuneration may be in addition to, or in substitution for, any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act, according as the local authority shall determine.

Inquiry by
 Board of
 Trade.

36. The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connexion with the Undertakers works, or as to the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with by the Undertakers ; and any person appointed under this section, not being an electric inspector, shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

Testing and Inspection.

Testing of
 mains.

37. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but, except under the provisions of a special order in that behalf made by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers

have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade.

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38. An electric inspector, if and when required to do so by any consumer, shall on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Testing of works and supply on consumer's premises.

39. The Undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost and keep in proper condition such reasonable number of testing stations as the local authority, or, where the local authority are the Undertakers, as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

Undertakers to establish testing stations.

40. If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any excessive or improper use of energy for such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

41. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence.

Undertakers to keep instruments on their premises.

42. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence.

Readings of instruments to be taken.

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Electric inspector may test Undertakers instruments.

42. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the same are not in order he may require the Undertakers forthwith to have the same put in order. 5

Representation of Undertakers at testings.

43. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection. 10

Undertakers to give facilities for testing.

44. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound. 15

Report of results of testing.

45. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the local authority, Board of Trade, or consumer (as the case may be) by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence. 20

If the Undertakers, the local authority, or any consumer are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties. 25

Expenses of electric inspector.

46. Save as otherwise provided by this Order, or by any regulations under this Order, all fees and reasonable expenses of an electric inspector shall, unless agreed, be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade, and shall be paid by the Undertakers. 30

Provided that where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, such fees and expenses shall, on being ascertained as above-mentioned, be paid by such consumer or consumers as the court or Board, having regard to such report or decision, shall direct, and may be recovered summarily as a civil debt. 35

Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct. 40

Meters.

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Meters to be used except by agreement.

47. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this
5 Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

48. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this
10 Order to be a correct meter, and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade; and every such meter is in this Order referred to as a "certified meter": Provided that where any alteration is made in any certified meter, or where any such meter is unfixed or discon-
15 nected from the service lines, such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Meter to be certified.

49. Every electric inspector, on being required to do so by the Undertakers or by any consumer, and on payment of the prescribed fee by the
20 party so requiring him, shall examine any meter intended for ascertaining the value of the supply, and shall certify the same as a certified meter if he considers it entitled to be so certified.

Inspector to certify meter

50. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if
25 required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises at all
30 reasonable hours and execute all necessary works and do all necessary acts; provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as
35 herein-after provided.

Undertakers supply meter required to do so.

51. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line, unless he has given to the Undertakers not less
40 than forty-eight hours notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Meters not to be connected or disconnected without notice

52. Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is to be ascertained, in

Consumer to keep his meter in proper order

A.D. 1891. proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

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The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

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Power to the Undertakers to let meter.

53. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

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Undertakers to keep meter let for hire in repair.

54. The Undertakers shall, unless the agreement of hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

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Differences as to correctness of meter to be settled by inspector.

55. If any difference arises between any consumer and the Undertakers as to whether any meter, whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined upon the application of either party by an electric inspector or, where the local authority are the consumers, by an inspector to be appointed by the Board of Trade, who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid, the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

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Undertakers to pay expenses of providing new meters where method of charge altered.

56. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the Undertakers change the method of charging for energy supplied by them from such main, the Undertakers shall pay to such consumer the reasonable expenses

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to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt. A.D. 1891.
Ipswich.

- 5 57. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply
- 10 is given, or the maximum power taken by such consumer, or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern, and shall be fixed and connected with the service lines in some manner approved by the Board of Trade, and shall be supplied and maintained entirely at the cost of the
- 15 Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Undertakers
may place
meters to
measure supply
or to check
measurement
thereof.

Maps.

58. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply, and shall
- 20 cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also, if so required by the Board of Trade or the Postmaster-General, cause
- 25 to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Map of area of
supply to be
made and
deposited.

- Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the
- 30 Undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or
- 35 copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof, taken by such applicant, as they may prescribe.

- The Undertakers shall, if so required by the Board of Trade or the local authority or the Postmaster-General, supply to them or him a copy of any such map or section, and cause such copy to be duly corrected so as to
- 40 agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

- If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not
- 45 exceeding two pounds.

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Special Provisions in Case of Transfer.

Ipswich.
Application
of moneys
received by
local authority
as Undertakers.

59. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect :—

(A.) All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money, (b) money arising from the disposal of lands acquired for the purpose of this Order, and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order, shall be applied by them as follows :—

- (1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties, and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers, their officers or servants in relation to the undertaking. 10
- (2.) In payment of the interest or dividend on any mortgages, stock, or securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes. 15
- (3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.
- (4.) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital. 20
- (5.) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, and the resulting income thereof in Government securities, or in any other securities in which trustees are by law for the time being authorised to invest, other than stock or securities of the Undertakers, and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking, or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens. 25 30 35

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund, when amounting to the prescribed limit, to the credit of the local rate as defined by the principal Act, or at their option shall apply such surplus, or some part thereof, to the improvement of the district for which they are the local authority, or in reduction of the capital moneys borrowed for electricity purposes. 40

Provided always, that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking, the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the 45

said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

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Ipswich.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows :—

- (1.) In the reduction of the capital moneys borrowed by them for electricity purposes ;
- (2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

60. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect :—

Purchase and
use of lands.

Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

61. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act" shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers.

Incorporation
of sections 264
and 265 of
Public Health
Act, 1875.

A.D. 1891.

Notices, &c.

Ipswich.
Notices, &c.
may be printed
or written.

62. Notices, orders, and other documents under this Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the local authority, the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

5

Service of
notices, &c.

63. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:—

- (a.) In the case of the Board of Trade, the office of the Board of Trade; 10
- (b.) In the case of the Postmaster-General, the General Post Office;
- (c.) In the case of any county council, the office of such council;
- (d.) In the case of any local authority, the office of such local authority;
- (e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company; 15
- (f.) In the case of a company having an office or offices, but no registered office, the principal office of that company;
- (g.) In the case of any other person, the usual or last known place of abode of such person.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description. 20

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises. 25

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works, or the performance of any duty or act, is less than seven days, the following days shall not be reckoned in the computation of such time; that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving. 30 35

Revocation of Order.

Revocation of
Order where
Undertakers
are insolvent.

64. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are 40

unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade may after such inquiry as they may think necessary, and after considering any representations of the local authority, revoke this Order as to the whole, or with the consent of the Undertakers, as to any part of the area of supply.

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Ipswich.

65. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers and of the local authority) as to any part of the area of supply.

Revocation of
Order where
undertaking
cannot be
carried on
with profit.

66. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just.

Revocation of
Order with
consent.

67. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect:—

Provisions
where Order
revoked.

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine.

(b.) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking or such part thereof as aforesaid, upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act.

(c.) Where any purchase is so effected, the undertaking, or part thereof so purchased, shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the Undertakers or attaching to the undertaking; and the revocation of this Order, as to the whole of the area of supply, or such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obligations of the Undertakers from whom the undertaking, or such part thereof as aforesaid, is purchased in relation to the supply of energy within

A.D. 1891.

Ipswich.

such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority.

- (d.) Where no purchase has been effected under the preceding provisions of this section, the local authority, and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed, may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care, and the Undertakers shall pay to the local authority, or other such body or person as aforesaid, such reasonable costs of such removal, and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them) as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice, or the delivery of the award of the arbitrator (as the case may be), the local authority, or other such body or person as aforesaid may, without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit; and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

- (e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers by this Order granted to the Undertakers, or for any expenses to which such local authority, body, or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid, shall be determined by an arbitrator to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

General.

A.D. 1891.

*Ipswich.*Remedying
of system and
works.

68. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or have permitted any part
 5 of their circuits to be connected with earth, or have placed any electric line above ground in contravention of this Order; or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised
 10 to supply energy under this Order; or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety, or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances, and direct the Under-
 15 takers to take such measures as may be necessary, so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

20 The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with, or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use thereof
 25 is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof within the period limited
 30 in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

69. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking and for the time being in force, shall within one month after the same, as made or last altered, have
 35 come into force, be printed at the expense of the Undertakers, and a true copy thereof, certified by or on behalf of the Undertakers, shall be forthwith served upon the local authority, or like copies shall be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

40 If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

Publication of
regulations.

70. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and
 Nature and
amount of
security.

A.D. 1891. of such amount as may be agreed upon between the parties, or as in default
Ipswich. of agreement may be determined, on the application of either party, by a
 court of summary jurisdiction, who may also order by which of the parties
 the costs of the proceedings before them shall be paid, and the decision of the
 said court shall be final and binding on all parties: Provided that where any 5
 such security is given by way of deposit the party to whom such security is
 given shall pay interest at the rate of four pounds per centum per annum on
 every sum of ten shillings so deposited for every six months during which the
 same remains in their hands.

Proceedings
 of Board of
 Trade.

71. All things required or authorised under this Order to be done by, to, 10
 or before the Board of Trade, may be done by, to, or before the President or
 a secretary or assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and
 to be sealed with the seal of the Board, or to be signed by a secretary or
 assistant secretary of the Board, or by any person authorised in that behalf 15
 by the President of the Board, shall be received in evidence, and shall be
 deemed to be such orders without further proof, unless the contrary is
 shown.

A certificate, signed by the President of the Board of Trade, that any order
 made or act done is the order or act of the Board, shall be conclusive evidence 20
 of the act so certified.

Approval or
 consent of
 Board of
 Trade.

72. Where this Order provides for any consent or approval of the Board
 of Trade, the Board may give such consent or approval subject to terms or
 conditions, or may withhold their consent or approval, as in their discretion 25
 they may think fit.

All costs and expenses of or incident to any approval, consent, certificate,
 or order of the Board of Trade, or of any inspector or person appointed by
 the Board of Trade including the cost of any inquiry or tests for the
 purpose of determining whether the same should be given or made, to such an
 amount as the Board of Trade shall certify to be due, shall be borne, and paid 30
 by the applicant or applicants therefor: Provided always, that where any
 approval is given by the Board of Trade to any plan, pattern, or specification,
 they may require such copies of the same as they may think fit to be pre-
 pared and deposited at their office at the expense of the said applicant or
 applicants, and may, as they think fit, revoke any approval so given, or 35
 permit such approval to be continued, subject to such modifications as they
 may think necessary.

Notice of
 approval of
 Board of
 Trade, &c. to
 be given by
 advertisement.

73. Where the Board of Trade, upon the application of the Undertakers,
 give any approval or grant any extension of any time limited for the perform-
 ance of any duties by the Undertakers, or where the Board of Trade, upon 40
 the application of the local authority or the Undertakers, revoke this Order
 as to the whole or any part of the area of supply, notice that such approval
 has been given, or such extension of time granted, or such revocation made,
 shall be published by public advertisement once at least in each of two

successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid. A.D. 1891.

Ipswich.

74. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers, notice of such application shall be served on the local authority by the Undertakers, and an opportunity shall be given to the local authority to make representations or objections with reference thereto. Notice of application for extension of time, &c. to be given to local authority.

75. All penalties, fees, expenses, and other moneys recoverable under this Order, or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts. Recovery and application of penalties.

Any penalty recovered on prosecution by an officer of the local authority, shall, if there is an electric inspector for the time being appointed by the local authority, be paid to such officer and by him to the local authority, and shall be applied in aid of the local rate.

Any penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court shall so direct, be paid to such body or person.

76. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants from all damages and costs in respect of such accidents, damages, and injuries. Undertakers to be responsible for all damages.

77. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be indorsed with notice to that effect. As to mortgages.

78. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts. Saving clause for Postmaster-General.

79. Nothing in this Order shall authorise the Undertakers to take, use or in any manner interfere with any portion of the shore or bed of the sea Saving rights of the Crown in the fore-shore.

A.D. 1891.

Ipswich.

or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exercisable by the Queen's Majesty. 5

Undertakers
not exempted
from pro-
ceedings for
nuisance.

80. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them. 10

Provision as
to general
Acts.

81. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity, or to the supply of or price to be charged for energy, which may be passed after the commencement of this Order. 15

Temporary Provision.

Removal of
existing over-
head wires.

82. Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order, (except so far as the placing thereof above ground is necessary for the purposes of supply) they shall be removed by the Undertakers within a period of one year after such commencement. 20

Within nine months after the commencement of this Order the Undertakers shall furnish to the local authority a description of the electric lines if any which in their opinion are necessarily placed above ground and ought not to be removed, and any dispute between the Undertakers and the local authority as to whether any such electric lines are necessarily so placed, shall be determined by the Board of Trade, and in any proceeding under this section by or at the instance of the local authority the decision of the Board of Trade shall be conclusive evidence of the fact that such electric lines are or are not necessarily so placed as the case may be. 25 30

If the Undertakers fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit. 35

SCHEDULES.

A.D. 1891.

Ipswich.

FIRST SCHEDULE.

Area of supply:—

The whole of the borough of Ipswich, as the same is constituted at
5 the commencement of this Order.

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are
to lay distributing mains within a period of two years after the commence-
ment of this Order:—

- 10 St. Matthew's Street from Berners Street to Westgate Street, Westgate
Street, Cornhill, Tavern Street, and Carr Street from the corner of
Upper Brook Street to Cox Lane.
Princes Street from Cornhill to the north-east corner of the New Cattle
Market.
- 15 Butter Market, Upper Brook Street, and Tacket Street.
Northgate Street, Old Foundry Road from Northgate Street to Great
Colman Street.
Queen Street, St. Nicholas Street, St. Peter's Street from St. Nicholas
Street to a point fifty yards south of the south side of Rose Lane.

THIRD SCHEDULE.

List of streets not repairable by the local authority, railways and tram-
ways which may be broken up by the Undertakers in pursuance of the
special powers granted by this Order:—

(a.) Streets:

- 25 Parade Terrace, Parade Road, River Street, Brunswick Road, Hutland
Road, Sidegate Lane, Rushmere Road, Cauldwell Avenue, Holland
Road, Tovell's Road, Nelson Road, Kirby Street, Milton Street, Howard
Street, Britannia Road, Crabbe Street, Cowper Street, Bloomfield
Street, Kemball Street, Freehold Road, Parliament Road, Cavendish
30 Street, White Elm Street, Alston Road, Vicarage Road, Newton Road,
York Road, Derby Road from the Felixstowe Railway Bridge to

[311.]

U

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Ipswich.

Foxhall Road, Suffolk Road, North Hill Road, Charles Street, Dalehall Lane, St. Edmund's Road, Broughton Road, Constitution Hill, Graham Road, Richmond Road, Springfield Lane, Russell Road, Tyler Street, Bright Street, Robinson Street, Harland Street, Rapier Street, Patteson Road, Cliff Road, Shiplaunch Road, Unity Street, Albion Street.

5

(b.) Railways :

The following level crossings :—

(1) Level crossing of the Great Eastern Railway at Ranelagh Road.

(2) Level crossing of the Great Eastern Railway at Westerfield Road.

(c.) Tramways :

The tramways of the Ipswich Tramways Company, Limited.

10

FOURTH SCHEDULE.

In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour. 15

Section 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter :—For any amount up to twenty units, thirteen shillings and fourpence ; and for each unit over twenty units, eightpence. 20

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order. 25

WHITBY ELECTRIC LIGHTING.

A.D. 1891.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 and 1888 to the Whitby District Local Board in respect of the Urban Sanitary District of Whitby in the North Riding of the County of York.

*Whitby.**Preliminary.*

1. This Order may be cited as the Whitby Electric Lighting Order 1891. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings: Provided that in this Order— Interpretation.

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882:

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied:

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

The expression "general supply" shall mean the general supply of energy to ordinary consumers but shall not include the supply of energy to any one or more particular consumers under special agreement:

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order:

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers:

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines:

A.D. 1891.
Whitby.

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected : 5
The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined :
The expression "tramway" shall mean any tramway laid along any street :
The expression "daily penalty" shall mean a penalty for each day on 10 which any offence is continued after conviction thereof :
The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively :
The expression "deposited map" shall mean the map of the area of supply 15 deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade :
The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least 20 one inch to eleven feet with such detail plan and sections as may be necessary.

Commence-
ment of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

25

Description of the Undertakers.

Description of
Undertakers.

4. Subject to the provisions of this Order the Undertakers for the purposes of this Order shall be the Whitby District Local Board.

Area of Supply.

Area of supply.

5. Subject to the provisions of this Order the area of supply shall be the 30 whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon edged with pink.

Provided that the area described in the said schedule as Area B shall not be deemed to be within the area of supply until the Undertakers shall have obtained such consent as may be necessary for laying their mains across and 35 within the river Esk and harbour of Whitby or shall have made other provision for the supply of energy within the said Area B and shall have given notice of such consent or provision by public advertisement in such manner as the Board of Trade may approve : Provided also that if within a period of two years after the commencement of this Order the Undertakers 40 shall not have obtained such consent or made such provision or given such notice as aforesaid the Board of Trade may revoke this Order as to Area B upon such terms as may seem fit.

Nature and Mode of Supply.

A.D. 1891.

6. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act : Provided as follows :

Whitby.
Systems and
mode of supply.

- 5 (1) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for ensuring a proper and sufficient supply of energy as the Board of Trade may impose ; and
- 10 (2) The Undertakers shall not, without the express consent of the Board of Trade, place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply ; and
- 15 (3) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations and conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions (if any) of such approval.

20

Lands.

7. Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order : Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade :

Purchase and
use of lands.

30 Provided also that the Undertakers shall not except with the consent of the Local Government Board take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

35 For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average

40 of thirty shillings a week and the families of any of such persons who may be residing with them.

Works.

8. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this

Powers for
execution of
works.

A.D. 1891.

Whitby.

Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use: Provided however as respects any such railway that 5 the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section thirteen of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or 15 tramway to which the consent relates as if it had been specified in the said schedule.

Street boxes.

9. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the 20 supply of energy including apparatus for the proper ventilation of such boxes.

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating 25 measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes. 30

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

Notice of works
with plan to be
served on the
Postmaster-
General.

10. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect:—

(a.) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the 40 character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge is to be interfered with and shall upon being 45

required to do so by the Postmaster-General give him any such further information in relation thereto as he may desire.

A.D. 1891.

Whitby.

- 5 (b.) The Postmaster-General may in his discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers.
- 10 (c.) Where the Postmaster-General approves any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapproves of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same.
- 15 (d.) If the Postmaster-General fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon him he shall be deemed to have approved such works and plan.
- 20 (e.) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause
- 25 such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and of the principal Act.
- 30 (f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding
- 35 five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.
- 40 Where any street or public bridge is repairable by the county council the Undertakers shall serve a like notice and plan upon the county council in addition to those served upon the Postmaster-General and the foregoing provisions of this section shall with the necessary modifications apply to the county council in like manner as to the Postmaster-General.

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Whitby.

As to streets
not repairable
by local autho-
rity or county
council rail-
ways tramways
and canals.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers works or their supply of energy.

11. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or county council or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested :—

- (a.) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal as the case may be (in this section referred to as "the owners") describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.
- (b.) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof.
- (c.) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.
- (d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid interference with any traffic so far as may be possible.
- (e.) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively

as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties. A.D. 1891.

Whitby.

(f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works.

(g.) Where the repair renewal or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

(h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

12. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served. Where such body or person as aforesaid (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested:—

(a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except [311.]

Street authority &c. may give notice of desire to break up streets &c. on behalf of Undertakers.

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Whitby.

where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided or in cases of emergency.

- (b.) In addition to any other notices which they may be required to give 5 under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be 10 commenced and the manner in which any such powers or duties are required to be exercised or discharged.
- (c.) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and con- 15 ditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.
- (d.) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such 20 requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.
- (e.) In any case of emergency the Undertakers may themselves proceed to 25 at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or 30 duties as aforesaid give information thereof in writing to the givers of the notice.
- (f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds 35 for every such offence and to a daily penalty not exceeding five pounds : Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the 40 circumstances.
- (g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily :

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

A.D. 1891.

Whitby.

13. The Undertakers may alter the position of any pipes or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested—

As to alteration of pipes wires &c. under streets.

(a.) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as “the operators” shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as “the owners” describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(b.) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(c.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible.

(d.) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and

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the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

- (e.) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided. 5 10
- (f.) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations are required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made. 15
- (g.) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable. 20
- (h.) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them. 25
- (i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily. 30
- (j.) Any owners may if they think fit by any statement served by them under this section upon any operators not being a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given. 35 40
- (k.) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur 45

by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

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Whitby.

14. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as the "operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as the "owners" not less than three days notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owner thereof repair any damage that may be done thereto.

Laying of
electric lines
&c. near gas or
water pipes or
other electric
lines.

- Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

- Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

- Any question or difference which may arise under this section shall be determined by arbitration.

- If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty

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not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the main pipe syphon electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company" shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

For protection
of railway and
canal com-
panies.

15. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection
of telegraphic
and telephonic
wires.

16.—(1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric

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line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration :

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings : Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

17.—(1.) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purpose of general supply throughout every street or part of a street specified in that behalf in the Second Schedule and shall thereafter maintain the same :

Mains &c. to be laid down in streets specified in Second Schedule and in remainder of area of supply.

Provided that if Area B described in the First Schedule is not brought within the area of supply within eighteen months after the commencement of this Order the period within which the Undertakers shall lay such mains in Bridge Street shall be extended to a period of six months after the said area has been brought within the area of supply.

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Whitby.

(2.) In addition to the mains herein-before specified the Undertakers shall upon being required to do so in manner by this Order provided lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply :

Provided that a requisition under this section shall not be binding upon 5 the Undertakers if it is made (a) in respect of any street in Area A described in the First Schedule before the expiration of eighteen months after the commencement of this Order or (b) in respect of any street in Area B described in the First Schedule before the expiration of six months after publication 10 of the notice whereby that area is brought within the area of supply or of eighteen months after the commencement of this Order whichever of these periods shall last expire.

All mains required to be laid under this sub-section (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions 15 of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority company or person by 20 whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf. 25

If Undertakers fail to lay down mains &c. Order may be revoked.

18. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively the Board of Trade may revoke this Order as to the whole or (with the consent of the Undertakers) any part of 30 the area of supply or if the Undertakers so desire may suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order.

Manner in which requisition is to be made.

19. Any requisition requiring the Undertakers to lay down distributing 35 mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street.

Every such requisition shall be signed by the persons making the same and shall be served upon the Undertakers. 40

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply on application for the same and any requisition so supplied shall be deemed valid in point of form.

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*Whitby.*Provisions on
requisition by
owners or
occupiers.

20. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they decline to be bound by such

5 requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from the distributing mains to ordinary

10 consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not (without the authority of the Board of Trade) specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains

15 or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all

20 the persons signing the requisition has been effected or in the case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the

25 aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by

30 them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition

35 upon them appeal to the Board of Trade who after such inquiry (if any) as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or per-centage

40 whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly. In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

45 If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall

A.D. 1891. subject to the provisions of this section and the decision of the Board of Trade
 upon any such appeal as aforesaid be determined by arbitration.

Whitby.

Supply.

Undertakers to
 furnish suffi-
 cient supply of
 energy to
 owners and
 occupiers
 within the
 area of supply.

21. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following (that is to say)—

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

Enter into a written contract with the Undertakers if required by them so to do to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them:

Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice

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to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues:

10 Provided also that if the owner or occupier of any such premises as afore-said uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues:

15 Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

20 If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

22. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt.

Maximum power.

35 If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

23. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Penalty for failure to supply.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are

A.D. 1891. authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf :
Whitby.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of
charging.

24. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1.) By the actual amount of energy so supplied ; or
- (2.) By the electrical quantity contained in such supply ; or
- (3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method of charge may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method :

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall by public advertisement give notice by what method they propose to charge for energy supplied through such main and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to every consumer who is supplied by them from such main.

Maximum
prices.

25. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of charge approved of by the Board of Trade such price as the Board shall on approving such method determine.

Other charges
by agreement.

26. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

Electric Inspectors.

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27. The Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

Whitby.
Appointment
of electric
inspectors.

5 The duties of an electric inspector under this Order shall be as follows:—

(a.) The inspection and testing periodically and in special cases of the Undertakers electric lines and works and the supply of energy given by them;

(b.) The certifying and examination of meters; and

10 (c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The Board of Trade may prescribe the fees to be taken by an electric inspector and the manner in which and the times at which his duties are to be performed.

28. The Undertakers shall pay to every electric inspector appointed under this Order such reasonable remuneration (if any) as may be determined by the Board of Trade and such remuneration may be in addition to or in substitution for any fees which are directed to be paid to electric inspectors for services rendered by them under this Order or any regulations of the Board of Trade made in pursuance of this Order as may be settled by such Board and where any such remuneration is settled to be in substitution for fees any fees payable by any party other than the Undertakers shall in lieu of being paid to such electric inspector for his own use be due and paid to him on behalf and for the use of the Undertakers and shall be carried by them to the credit of the local rate.

Remuneration
of electric
inspector.

29. The Board of Trade may if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

Inquiry by
Board of Trade.

Testing and Inspection.

30. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided

Testing of
mains.

A.D. 1891.

Whitby.

that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid: Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order 5 in that behalf made by the Board of Trade.

Testing of
works and
supply on
consumer's
premises.

31. An electric inspector if and when required to do so by any consumer shall on payment by such consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy. 10

Undertakers
to establish
testing stations.

32. A court of summary jurisdiction may upon the application of any ten 15 consumers direct the Undertakers at their own cost to establish at such places within a reasonable distance from a distributing main and keep in proper condition such reasonable number of testing stations as the court shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and thereupon the Undertakers shall establish such 20 testing places and provide thereat such proper and suitable instruments of a pattern to be approved by the Board of Trade as the court may direct and they shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing. 25

Undertakers to
keep instru-
ments on their
premises.

33. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations 30 so recorded shall be receivable in evidence.

Readings of
instruments to
be taken.

34. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may examine and record the readings of such 35 instruments and any readings so recorded shall be receivable in evidence.

Electric inspec-
tor may test
Undertakers
instruments.

35. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the 40 same are not in order he may require the Undertakers forthwith to have the same put in order.

Representation
of Undertakers
at testings.

36. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or 45

other agent but such officer or agent shall not interfere with the testing or inspection. A.D. 1891.

Whitby.

Undertakers to give facilities for testing.

37. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

38. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the Board of Trade or consumer (as the case may be) by whom he was required to make such testing and also to the Undertakers and such report shall be receivable in evidence.

Report of results of testing.

39. If the Undertakers or any consumer are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties.

40. 39. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by the Board of Trade and shall be paid by the Undertakers and may be recovered summarily as a civil debt:

Expenses of electric inspector.

41. Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the Board of Trade having regard to such report or decision shall direct and may be recovered summarily as a civil debt:

42. Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court may direct.

Meters.

43. 40. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meters to be used except by agreement.

44. 41. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter": Provided that where any alteration is

Meter to be certified.

A.D. 1891. made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Whitby.

Inspector to certify meters.

42. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified. 5

Undertakers to supply meters if required to do so.

43. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises and execute all necessary works and do all necessary acts: Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided. 10 15 20

Meters not to be connected or disconnected without notice.

44. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours notice in writing of his intention so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings. 25

Consumer to keep his meter in proper order.

45. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter. 30

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers. 35 40

Power to the Undertakers to let meter.

46. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings

as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

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Whitby.

47. The Undertakers shall unless the agreement of hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Undertakers to keep meter let for hire in repair.

48. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector who shall order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Differences as to correctness of meter to be settled by inspector.

49. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers to pay expenses of providing new meters where method of charge altered.

50. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Undertakers may place meters to measure supply or to check measurement thereof.

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Maps.

Whitby.
Map of area of
supply to be
made and
deposited.

51. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be on such scale or scales as the Board of Trade shall prescribe. 5 10

Every map and section so made or corrected or a copy thereof marked with the date expressed thereon of the last time when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe. 15 20

The Undertakers shall if so required by the Board of Trade or the Postmaster-General supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers. 25

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Application of Moneys received.

30

Application of
revenue.

52. All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money (b) money arising from the disposal of lands acquired for the purposes of this Order and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows :— 35

(1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the undertakers their officers or servants in relation to the undertaking. 40

(2.) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes.

(3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes. A.D. 1891.

(4.) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital. *Whitby.*

5 (5.) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

10 The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or some part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes :

25 Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the Undertakers.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

35 53. All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

Application of capital moneys.

40 (1.) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Notices &c.

45 54. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any [311.] Z 2

Notices &c. may be printed or written.

A.D. 1891. notice order or document requires authentication by the Undertakers the signature thereof by their clerk or surveyor shall be sufficient authentication.

Whitby.

Service of
notices &c.

55. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively:—

- (a.) In the case of the Board of Trade the office of the Board of Trade.
- (b.) In the case of the Postmaster-General the General Post Office.
- (c.) In the case of any county council the office of such council.
- (d.) In the case of any local authority the office of such local authority. 10
- (e.) In the case of any company having a registered office the registered office of such company.
- (f.) In the case of a company having an office or offices but no registered office the principal office of such company.
- (g.) In the case of any other person the usual or last known place of abode 15 of such person.

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description. 20

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises. 25

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time that is to say Sunday Christmas 30 Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

Revocation of Order.

Revocation
where works
not executed.

56. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made default in executing works or supplying energy in accordance with the provisions of this Order the Board of Trade may after such inquiry as they may think necessary revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as to the Board 40 of Trade may seem just.

Revocation of
Order with
consent.

57. In addition to any powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and

concurrence of the Undertakers upon such terms as the Board of Trade may think fit. A.D. 1891.

Whitby.

58. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply any persons who may be liable to repair any street or part of a street within such area or part thereof in which any works of the Undertakers may have been placed may forthwith remove such works with all reasonable care and the Undertakers shall pay to such persons such reasonable costs of such removal as may be specified in a notice to be served on the Undertakers by such persons or if so required by the Undertakers within one week after the service of such notice upon them as may be settled by arbitration.

Provisions
where Order
revoked.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator as the case may be such persons as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

Transfer of Powers.

59.—(1.) At any time after the commencement of this Order the Undertakers may with the consent of the Board of Trade by deed to be approved by the Board of Trade transfer their powers duties liabilities and works to any company or person subject to such exceptions and modifications (if any) and for such period and upon such terms as may be specified therein and either as to the whole or any part or parts of the area of supply and during the said period but subject to the provisions of this Order such company or person shall to the extent of the powers duties and liabilities so transferred be the Undertakers for the purposes of this Order.

Transfer of
powers &c.

(2.) One month at least before any draft deed is submitted to the Board of Trade for their approval under this section notice of the intention to make such transfer shall be published by the Undertakers by advertisement and a copy of the said draft deed shall be deposited for public inspection during office hours at the principal office of the Undertakers within the area of supply and printed copies thereof shall be supplied to every person demanding the same at a price not exceeding sixpence for each copy.

(3.) Every such advertisement shall contain the following particulars:—
(a) the area in respect of which the transfer is proposed to be made;
(b) the period for which the transfer is proposed to be made;
(c) the rent or other pecuniary consideration in respect of the transfer;

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Whitby.

(d) a general description of the powers duties or liabilities of the Undertakers proposed to be excepted or modified and of the terms upon which the transfer is proposed to be made; and

(e) the address of the office at which the copy of the said draft deed is deposited for public inspection and at which printed copies of the same 5 are on sale;

and such advertisement shall be inserted once at least in each of two successive weeks in one and the same newspaper circulating within the area of supply and once at least in the London Gazette.

(4.) The Undertakers may with the consent of the Board of Trade by deed 10 to be approved in like manner renew or continue any such transfer for such period and subject to such variations or modifications (if any) as may be specified therein and the above provisions as to advertisements and particulars shall apply to such matters as are hereby required to be specified in such last mentioned deed. 15

(5.) Where in relation to any powers duties or liabilities so transferred such company or person have in the opinion of the Board of Trade been guilty of any act or default in respect of which the Board of Trade are empowered to revoke this Order the Board of Trade if they think fit in lieu of revoking this Order may by order permit the Undertakers to resume the 20 undertaking as from such day as may be fixed by the order and from and after the said day the powers duties and liabilities of the said company or persons as Undertakers shall cease and determine but without prejudice to anything done or suffered during the period of transfer.

(6.) Any questions arising between the Undertakers and the said company 25 or persons respecting the resumption of the undertaking by the Undertakers shall be determined on the application of either party by the Board of Trade regard being had to the deed of transfer so far as applicable and the decision of the Board of Trade shall be final and conclusive.

(7.) As soon as practicable after any such deed is approved by the Board 30 of Trade printed copies thereof shall be kept by the Undertakers for public inspection at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy and in case of any default herein the Undertakers shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding 35 five pounds.

(8.) Nothing in this section shall affect any powers duties or liabilities of the Undertakers which shall not be transferred by any such deed and the Undertakers shall continue to have and be subject to such powers duties and liabilities if any. 40

General.

Remedying
of system and
works.

60. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or have permitted any part

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Whitby.

of their circuits to be connected with earth or have placed any electric line above ground in contravention of this Order or (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which

5 the Undertakers are for the time being authorised to supply energy under this Order or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order in writing make such requirements as to them may seem meet in the

10 circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues :

15 The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the use thereof

20 is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues :

Where the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade and fail to comply with any order made under this section in respect thereof within the time

25 therein limited in that behalf the Board of Trade may if they think fit revoke this Order on such terms as they may think just.

61. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have

30 come into force be printed at the expense of the Undertakers and true copies thereof certified by or on behalf of the Undertakers shall be kept by them at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

Publication of regulations.

If the Undertakers make default in complying with the provisions of this

35 section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

62. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of

40 agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given

45 shall pay interest at the rate of four pounds per centum per annum on every

Nature and amount of security.

A.D. 1891. sum of ten shillings so deposited for every six months during which the same remains in their hands.

Whitby.

Proceedings of
Board of Trade.

63. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or an assistant secretary of the Board.

5

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

10

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the act so certified.

As to approval
or consent of
Board of Trade.

64. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit. All costs and expenses of or incident to any application for any approval consent or order of the Board of Trade including the cost of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor: Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

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Notice of
approval of
Board of Trade
&c. to be given
by advertise-
ment.

65. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the Undertakers.

35

Recovery and
application of
penalties.

66. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Any such penalty recovered on prosecution by any body or person or any part thereof may if the court shall so direct be paid to such body or person.

40

Undertakers to
be responsible
for all damages.

67. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any

person in their employment by reason of or in consequence of any of the Undertakers works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

A.D. 1891.
Whitby.

68. The provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act 1875 shall be incorporated with this Order and in the construction of the said provisions for the purposes of this Order "this Act" means this Order and the principal Act and the "local authority" means the Undertakers.

Incorporation of sections 264 and 265 of Public Health Act 1875.

69. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1885 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving clause for Postmaster-General.

70. Nothing in this Order shall authorise the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Order contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving rights of the Crown in the fore-shore.

71. Nothing in this Order shall authorise the Undertakers to take use or in any manner interfere with any portion of the soil of the harbour of Whitby without the previous consent of Sir Charles William Strickland Baronet or his successors lords of the manor of Whitby.

Saving as to harbour of Whitby.

72. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused by them.

Undertakers not exempted from proceedings for nuisance.

73. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

Provisions as to general Acts.

A.D. 1891.

Whitby.

SCHEDULES.

FIRST SCHEDULE.

Area of Supply.

AREA A :—So much of the local government district of Whitby in the north riding of the county of York (as constituted at the commencement of this Order) as lies to the westward of the river Esk and harbour of Whitby. 5

AREA B :—So much of the said district as is not included in Area A.

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order. 10

Bridge Street, St. Ann's Staith, Baxtergate, Flowergate, Skinner Street.

THIRD SCHEDULE.

List of streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order. 15

(a.) STREETS :—North Terrace, Royal Crescent, East Terrace, Khyber Pass, East Crescent, Hudson Street, George Street, (West Cliff), John Street, Royal Crescent Avenue, Church Square, Argyle Road, (or Cinder Lane), back roads behind Royal Crescent, Abbey Terrace, and George Street (West Cliff) respectively, back roads behind George Street (West Cliff), North Terrace, South and East Terraces respectively, back road between Hudson Street and Normanby Terrace, back road behind John Street, Wellington Terrace, back road between Belle Vue Terrace and Wellington Terrace, Albert Place, back roads behind Royal Crescent Avenue, road behind East Crescent, Well Close Square, Routh's Walk, Poplar Row, road behind St. Hilda's Terrace, Newton Street, road behind north side of Bagdale, road behind Broomfield Terrace, road behind south side of Victoria Square, Princess Place, Wellington Road, Dock End Road, Pier Road, Marine Parade, Grove Street, Elgin Street, back road between Elgin Street and Grove Street, back road behind Grove Street, Scoresby Terrace, back road between Scoresby Terrace and 20 25 30

- Raglan Terrace, road between Raglan Terrace and York Terrace, North Road (—Fishburn Park, from end of Falcon Terrace to top of road), Esk Terrace, road behind Osborne Terrace, back road between Windsor Terrace and Albion Place, Market Place and streets leading thereto from Church Street and Brewster Lane respectively, Ropery Road (from top of Boulby Bank to Green Lane), road behind Prospect Place (Airy Hill).

A.D. 1891.
Whitby.

(b.) RAILWAYS:—The following level crossings of the North-eastern Railway:—

- 10 The level crossing at Boghole, on the highway leading from the public Ford across the river Esk to Waterstead Lane, or to the highway in front of Esk Terrace, near to that lane.

The level crossing at the village of Ruswarp, near the railway station there, on the highway leading from that village to Ruswarp Bridge.

(c.) TRAMWAYS:—None.

15

FOURTH SCHEDULE.

In this schedule the expression “unit” shall mean the energy contained in a current of one thousand amperes flowing under an electric-motive force of one volt during one hour.

Section 1.

- 20 Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter. For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

Section 2.

- 25 Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a
30 constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

Electric Lighting Provisional Orders (No. 8).

A

B I L L

To confirm certain Provisional Orders under the Electric Lighting Acts, 1882 and 1888 relating to Birmingham, Cardiff, Exeter, Ipswich (Ipswich Electricity Supply Company), Ipswich (Laurence, Scott, and Co. and Whitby.

*(Prepared and brought in by
Sir Michael Hicks-Beach and Baron de Worms.)*

*Ordered, by The House of Commons, to be Printed,
4 May 1891.*

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[Bill 311.]

A
B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Camberwell, Islington, Southwark, Wandsworth District, and Westminster. A.D. 1891.

WHEREAS under the authority of the Electric Lighting Acts, 1882 and 1888, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed :

45 & 46 Vict.
c. 56.
51 & 52 Vict.
c. 12.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Acts is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Acts, as set out in the schedule to this Act annexed, be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Electric Lighting Orders Confirmation (No. 9) Act, 1891. Short title.

2. The several Orders, as set out in the schedule to this Act annexed, shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and effect. Confirmation of Orders.

A.D. 1891.

SCHEDULE.

LIST OF ORDERS.

1. CAMBERWELL.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Camberwell and Islington Electric Light and Power Supply, Limited. 5
 2. ISLINGTON.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Camberwell and Islington Electric Light and Power Supply, Limited.
 3. SOUTHWARK.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Brush Electrical Engineering Company, Limited. 10
 4. WANDSWORTH.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Stamford Hill, Tottenham, and Edmonton Electric Light and Power Supply, Limited.
 5. WESTMINSTER.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Westminster Electric Supply Corporation, Limited. 15
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CAMBERWELL ELECTRIC LIGHTING.

A.D. 1891.
Camberwell.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 and 1888 to the Camberwell and Islington Electric Light and Power Supply Limited in respect of a portion of the Parish of St. Giles Camberwell in the County of London.

Preliminary.

1. This Order may be cited as the Camberwell Electric Lighting Order 1891. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order— Interpretation.

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882 ;

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied ;

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street subway or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply ;

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers ;

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply ;

The expression "general supply" shall mean the general supply of energy to ordinary consumers and unless otherwise specially agreed with the local authority to the public lamps but shall not include the supply of energy to any one or more particular consumers under special agreement ;

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order ;

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A 2

A.D. 1891.
Camberwell.

The expression "subway" shall mean any passage or covered way under the surface of a street constructed for the reception of pipes or wires ;

The expression "County Council" shall mean the London County Council and the provisions of this Order in which the County Council is expressly mentioned shall be construed without derogation to the powers duties 5 and liabilities of that Council as local authority under this Order and the principal Act ;

The expression "consumer" shall mean any body or persons supplied or entitled to be supplied with energy by the Undertakers ;

The expression "consumer's terminals" shall mean the ends of the electric 10 lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines ;

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be 15 injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected ;

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined ;

The expression "tramway" shall mean any tramway laid along any 20 street ;

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof ;

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth 25 Schedules to this Order annexed respectively ;

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade ;

The expression "plan" shall mean a plan drawn to a horizontal scale of at 30 least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary.

Commence-
ment of
Order.

3. This Order shall come into force and have effect upon the day when the 35 Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Address and Description of the Undertakers.

Address and
description of
Undertakers.

4. The Undertakers for the purposes of this Order are the Camberwell and Islington Electric Light and Power Supply Limited being a company regis- 40 tered under the Companies Acts 1862 to 1886 with limited liability and having its registered offices at 5 Victoria Street in the city of Westminster ;

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this

Order or of the principal Act such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above-mentioned ;

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Camberwell.

The Undertakers shall not purchase or acquire the undertaking of or
5 associate themselves with any other company or person supplying energy under any license Provisional Order or special Act within the administrative county of London unless the Undertakers are authorised by Parliament to do so.

If in contravention of this section the Undertakers purchase or acquire any
10 such undertaking or associate themselves with such other company or person the Board of Trade may if they think fit revoke this Order upon such terms as they may think just.

Area of Supply.

5. Subject to the provisions of this Order the area of supply shall be the
15 whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red.

Area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than
20 under the authority of Parliament or under a license granted by the Board of Trade under the principal Act.

Prohibition of supply beyond area of supply.

If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section the Board of Trade may revoke this Order on such terms as they may think just.

25

Security and Accounts.

7. The Undertakers within a period of six months after the commencement of this Order and before exercising any of the powers by this Order conferred on them in relation to the execution of works shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to
30 discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

Security for execution of works.

The Undertakers shall also within six months after the commencement of this Order or such extended period as may be approved by the Board of Trade and before exercising any of the powers conferred on them in relation
35 to the execution of works deposit or secure to the satisfaction of the Board of Trade a sum of one thousand pounds.

If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned or fail to deposit or secure such sum as aforesaid the Board of
40 Trade may after considering any representations which the County Council or the local authority may make revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as they may think just.

A.D. 1891.
Camberwell.

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties when and so soon as it may be certified by an inspector to be appointed by the Board of Trade that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the 5 undertaking or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street or part of a street specified in that behalf in the Second Schedule or at such earlier dates and by such instalments as may be approved by the Board of Trade.

Separate
accounts to be
kept of under-
taking.

8. The Undertakers shall except with the special approval of the Board of 10 Trade to be previously given (after consideration of any representations which the County Council and the local authority may make) at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business. 15

Audit of
Undertakers
accounts.

9. The annual statement of accounts of the undertaking before being published as provided by section nine of the Electric Lighting Act 1882 shall so long as the local authority are not the Undertakers be examined and audited by such competent and impartial person as the Board of Trade shall 20 appoint and the remuneration of the auditor shall be such as the Board of Trade shall direct and the same and all expenses incurred by him in or about the execution of his duties to such an amount as the Board of Trade shall approve shall be paid by the Undertakers on demand and shall be recoverable summarily as a civil debt.

The Undertakers shall give to the auditor his clerks and assistants access 25 to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit and shall when required furnish to him and them all vouchers and information requisite for such purpose and shall afford to him and them all facilities for the proper execution of his and their duty. 30

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted or otherwise for the purpose of giving effect to the provisions of this section.

Any report made by the auditor or such portion thereof as the Board of Trade shall direct, shall be appended to the annual statement of accounts and 35 shall form part thereof for the purposes of the said section nine.

Nature and Mode of Supply.

Systems and
mode of
supply.

10. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act Provided as follows:— 40

- (1) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and 45

(2) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster General and is made in accordance with the conditions if any of such approval.

A.D. 1891.
Camberwell.

11. The Undertakers shall not without the express consent of the County Council and of the Board of Trade place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply.

Prohibition of
overhead
wires.

Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except as above in this section mentioned) they shall be removed by the Undertakers within a period of one year after such commencement.

If the Undertakers place or fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit.

Works.

12. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use. Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Powers for
execution of
works.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section 13 of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

13. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such

Street boxes.

A.D. 1891. boxes Provided that no such box or apparatus shall be placed above ground
 except with the consent of the local authority body or person by whom such
Camberwell. street is repairable.

Every such box shall be for the exclusive use of the Undertakers and under
 their sole control except so far as the Board of Trade may otherwise order 5
 and shall be used by the Undertakers only for the purpose of leading off
 service lines and other distributing conductors or for examining testing
 regulating measuring directing or controlling the supply of energy or for
 examining or testing the condition of the mains or other portions of the works
 or for other like purposes connected with the Undertaking and the Under- 10
 takers may place therein meters switches and any other suitable and proper
 apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be
 constructed of such materials and shall be constructed and maintained by the 15
 Undertakers in such manner as not to be a source of danger whether by
 reason of inequality of surface or otherwise.

The local authority or (if the street is repairable by them) the County
 Council may with the approval of the Board of Trade prescribe the hours
 during which the Undertakers are to have access to such boxes and if the
 Undertakers during any hours not so prescribed remove or displace or keep 20
 removed or displaced the upper surface or covering of any box without the
 consent of the local authority or County Council as the case may be they
 shall be liable to a penalty not exceeding five pounds for every such offence
 and to a daily penalty not exceeding five pounds Provided that the Under-
 takers shall not be subject to any such penalties as aforesaid if the court 25
 having cognizance of the case shall be of opinion that the case was one of
 emergency and that the Undertakers complied with the requirements of this
 section so far as was reasonable under the circumstances.

Notice of
 works with
 plan to be
 served on the
 Postmaster
 General
 local authority
 and County
 Council.

14. Where the exercise of any of the powers of the Undertakers in relation
 to the execution of any works (including the construction of boxes) will 30
 involve the placing of any works in under along or across any street or public
 bridge the following provisions shall have effect:—

- (A) One month before commencing the execution of such works (not being
 the repairs renewals or amendments of existing works of which the
 character and position are not altered) the Undertakers shall serve a 35
 notice upon the Postmaster General the local authority and the
 County Council describing the proposed works together with a plan
 of the works showing the mode and position in which such works are
 intended to be executed and the manner in which it is intended that
 such street or bridge or any sewer drain or tunnel therein or thereunder 40
 is to be interfered with and shall upon being required to do so by the
 Postmaster General the local authority or the County Council give him
 or them any such further information in relation thereto as he or they
 may desire In calculating the above-mentioned period of one month no
 part of the month of August shall be included ; 45

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(B) The Postmaster General or the local authority or the County Council may in his or their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the

5 Undertakers ;

(C) Where the Postmaster General the local authority or the County Council approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove of any such works or plan the Undertakers may appeal to the Board

10 of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same ;

(D) If the Postmaster General the local authority or the County Council fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them he or they shall be deemed to have approved such works and plan ;

15

(E) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster General the local authority and the County Council or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed

20 to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and the principal Act ;

(F) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster General and the local authority and the County Council for any loss or damage which he or they may incur by reason thereof and in addition thereto they shall be liable to a penalty not

30 exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this

35 40 section so far as was reasonable under the circumstances.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster General being at any time injuriously affected by the Undertakers works or their supply of energy.

45 15. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under

As to streets
not repairable
by the local

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 authority or
 County Council
 railways
 tramways
 and canals.

along or across any street or part of a street not repairable by the local authority or the County Council or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested:—

- (A) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be) in this section referred to as "the owners" describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire ;
- (B) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof ;
- (C) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly ;
- (D) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible ;
- (E) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties ;

(F) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works ;

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5 (G) Where the repair renewal or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

10 (H) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

16. Any body or person for the time being liable to repair any street or part of a street or liable to repair any sewer subway or work or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating, or making good any streets bridges sewers drains subways tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served Where any such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested :—

Street authority &c. may give notice of desire to break up streets &c. on behalf of Undertakers.

(A) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except

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where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided or in cases of emergency ;

- (B) In addition to any other notices which they may be required to give 5
 under the provisions of this Order or the principal Act the Undertakers
 shall not more than four days and not less than two days before the
 exercise or discharge of any such powers or duties so specified as afore-
 said is required to be commenced serve a requisition upon the givers of
 the notice stating the time when such exercise or discharge is required 10
 to be commenced and the manner in which any such powers or duties
 are required to be exercised or discharged ;
- (C) Upon receipt of any such requisition as last aforesaid the givers of the
 notice may proceed to exercise or discharge any such powers or duties
 as required by the Undertakers subject to the like restrictions and con- 15
 ditions as the Undertakers would themselves be subject to in such
 exercise or discharge so far as the same may be applicable ;
- (D) If the givers of the notice decline or for twenty-four hours after the
 time when any such exercise or discharge of any powers or duties is by
 any requisition required to be commenced neglect to comply with such 20
 requisition the Undertakers may themselves proceed to exercise or
 discharge the powers or duties therein specified in like manner as they
 might have done if such notice as aforesaid had not been given to them
 by the givers of the notice ;
- (E) In any case of emergency the Undertakers may themselves proceed to 25
 at once exercise or discharge so much of any such specified powers or
 duties as aforesaid as may be necessary for the actual remedying of any
 defect from which the emergency arises without serving any requisition
 on the givers of the notice but in such case the Undertakers shall within
 twelve hours after they begin to exercise or discharge such powers or 30
 duties as aforesaid give information thereof in writing to the givers of
 the notice ;
- (F) If the Undertakers exercise or discharge any such specified powers or
 duties as aforesaid otherwise than in accordance with the provisions of
 this section they shall be liable to a penalty not exceeding ten pounds 35
 for every such offence and to a daily penalty not exceeding five pounds
 Provided that the Undertakers shall not be subject to any such penalties
 as aforesaid if the court having cognizance of the case shall be of
 opinion that the case was one of emergency and that the Undertakers
 complied with the requirements of this section so far as was reasonable 40
 under the circumstances ;
- (G) All expenses properly incurred by the givers of the notice in complying
 with any requisition of the Undertakers under this section shall be
 repaid to them by the Undertakers and may be recovered summarily ;
- (H) The givers of the notice may if they think fit require the Under- 45
 takers to give them such security for the repayment to them of any

expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so or in case of difference after such difference has been determined by a court of summary jurisdiction they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

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Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains subways tunnels or other works or railway or tramway as in this section mentioned.

17. The Undertakers may alter the position of any pipes (not forming part of any sewer of the County Council or the local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested:—

As to alteration of pipes wires &c. under streets.

(A) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as "the operators" shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as "the owners" describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire;

(B) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly;

(C) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to

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avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible ;

- (D) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties ;
- (E) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided ;
- (F) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made ;
- (G) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable ;
- (H) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them ;
- (I) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily ;
- (J) Any owners may if they think fit by any statement served by them under this section upon any operators not being the County Council or a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by

them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given;

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(κ) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds. Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

18. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer drain watercourse defence or work under the jurisdiction or control of the County Council or of the local authority or any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as the "operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to the County Council or the local authority or to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as the "owners" not less than fourteen days notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer drain watercourse defence pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owners thereof repair any damage that may be done thereto.

Laying electric lines &c. near sewers &c. or gas or water pipes or other electric lines.

Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

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The owners upon giving notice to the Undertakers during the fourteen days herein-before referred to of their desire to execute any work to which the provisions of this section apply may themselves execute the same and in case they give such notice they shall execute such work with due care and diligence and shall be subject to the like restrictions and conditions as the operators would themselves be subject to in respect of the same and the reasonable costs of executing such works shall be repaid by the operators to the owners Provided always that the provisions of this paragraph shall not apply so long as any like notice from the County Council the local authority or other body or person under the provision of the section of this Order whereof the marginal note is "Street authority &c. may give notice of desire to break up streets &c. on behalf of Undertakers" remains in force :

Provided always that when the Undertakers or any gas company desire to lay a service pipe or line to a house or premises already connected by a service pipe or line with the works of the gas company or the Undertakers as the case may be forty-eight hours notice shall be given by the Undertakers or the gas company as the case may be to the other of them and in that case the provisions of this section so far as applicable shall then apply to such service pipes or lines accordingly.

Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the sewer drain watercourse defence pipe electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company"

shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

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19. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection
of railway
and canal
companies.

20.—(1) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

For protection
of telegraphic
and telephonic
wires.

(2) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

A.D. 1891. If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration.

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Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

Provision as to
subways.

21. Where the Undertakers desire to lay or may be required to lay any electric line in any street under the surface of which there is a subway and the County Council or local authority (as the case may be) in whom such subway is vested serve a notice upon them requiring them to lay the same in the subway then notwithstanding anything in any special or general Act of Parliament contained the powers conferred by this Order and the principal Act with respect to the breaking up and interfering with streets shall not be exercised by the Undertakers as to such streets in so far as the subway extends under the surface thereof and any electric line to which this section applies shall be laid in the subway in such manner and position as the County Council or local authority shall direct or approve.

Where any electric line of the Undertakers shall be so laid under the provisions of this section they shall pay to the County Council or local authority in whom the subway is vested such reasonable rent for the use thereof as may be settled by agreement or in the case of difference by arbitration. Provided that the Undertakers shall have access to such subway at all such reasonable times and subject to such conditions as may be settled in like manner.

Compulsory Works.

Mains &c. to be
laid down in
streets speci-
fied in
Second

22.—(1) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing

mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule and shall thereafter maintain the same. A.D. 1891.
Camberwell.
Schedule and
in remainder
of area of
supply.

5 (2) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner by this Order provided.

10 All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

15 (3) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority company or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section 13 of the Electric Lighting
20 Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

23. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular
25 consumer and not for the purposes of general supply the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid a notice stating that the Undertakers intend to lay such electric line and setting forth the
30 effect of this section and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

35 24. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues and if the Board of Trade are of opinion in
40 any case that such default is wilful and unreasonably prolonged they may after considering any representations of the County Council or the local authority revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply or if the Undertakers so desire may after having given an opportunity to the County Council and the
45 local authority to make representations and objections with reference thereto suffer the same to remain in force as to such area or part thereof subject to

If Under-
takers fail to
lay down
mains &c.
Order may be
revoked.

A.D. 1891. such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order.

Manner in which requisition is to be made.

25. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by two or more owners or occupiers of premises along such street or part of a street or where the local authority has the control and management of the public lamps in such street or part of a street by the local authority.

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Every such requisition shall be signed by the persons making the same or by the local authority (as the case may be) and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same and any requisition so supplied shall be deemed valid in point of form.

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Provisions on requisition by owners or occupiers.

26. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for two years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice. Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

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Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected or in case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of two years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons

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under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

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If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry if any as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than two years and to specify such sum or per-centage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly.

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

27. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected or within fourteen days thereafter there be tendered to the Undertakers (if required by them) an agreement executed by the local authority and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Provisions on
requisition
by local
authority.

Supply.

28. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following (that is to say):—

Undertakers
to furnish
sufficient
supply of
energy to
owners and
occupiers
within the
area of
supply.

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in

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the possession of such occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier.

5

Every owner or occupier of premises requiring a supply of energy shall—
Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

10

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them:

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Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues:

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Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues:

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Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

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If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration. A.D. 1891.
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29. The maximum power with which any such consumer shall be entitled
5 to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises. Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon
10 one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt.
- 15 If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

Maximum power.

30. The Undertakers upon receiving reasonable notice from the local
20 authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order or any regulations and conditions subject to which they are authorised to supply
25 energy under this Order shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Supply of energy to public lamps.

31. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to
30 supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Penalty for failure to supply.

- Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this
35 Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp and for each day on which any such default occurs.

- Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are
40 authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

- Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in
45 respect of any defaults not being wilful defaults on the part of the Under-

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takers for any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

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Price.

Methods of
charging.

32. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement):—

(1) By the actual amount of energy so supplied; or

(2) By the electrical quantity contained in such supply; or

(3) By such other method as may for the time being be approved by the Board of Trade.

10

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method:

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Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall give notice to the County Council and the local authority by what method they propose to charge for energy supplied through such main and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the County Council and the local authority and to every consumer of energy who is supplied by them from such main.

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Maximum
prices.

33. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of charge approved by the Board of Trade such price as the Board of Trade shall on approving such method determine.

30

Provided that if the County Council the local authority or the Undertakers shall at any time after the expiration of seven years from the twenty-sixth day of August 1889 make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered the Board of Trade after such inquiry as they may think fit may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid or substituting other prices or methods of charge in lieu thereof and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order as if they had been stated

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in the said schedule. Provided also that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

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5 34. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge
10 accordingly.

Other charges
by agree-
ment.

35. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps and the mode in which such charges shall be ascertained shall be settled by agreement between the local authority and the Undertakers or in case of difference by arbitration regard
15 being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose and the prices charged to ordinary consumers in the district.

Price to
public lamps.

Electric Inspectors.

36. The County Council so long as they are not themselves the Under-
20 takers for the purposes of this Order may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

Appointment
of electric
inspectors.

If no electric inspector is appointed by the County Council or if the County Council themselves become the Undertakers for the purposes of this
25 Order the Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

- 30 (a) The inspection and testing periodically and in special cases of the Undertakers electric lines and works and the supply of energy given by them;
- (b) The certifying and examination of meters; and
- (c) Such other duties in relation to the Undertaking as may be required
35 of him under the provisions of this Order or of any regulations under this Order.

The County Council with the approval of the Board of Trade or the Board of Trade if the inspector is appointed by them may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector and also the fees to be taken by him and such fees shall
40 be accounted for and applied as may be directed by the County Council or the Board of Trade as the case may be.

37. The County Council may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may

Remuneration
of electric in-
spectors.

A.D. 1891. determine and such remuneration may be in addition to or in substitution
Camberwell. for any fees directed to be paid to electric inspectors in respect of their
duties under this Order or any regulations of the Board of Trade made in
pursuance of this Order or the principal Act according as the County Council
shall determine. 5

Inquiry by
Board of
Trade.

38. The Board of Trade may also if they deem it necessary appoint any
electric inspector or other fit person or persons to inquire and report as to the
cause of any accident affecting the safety of the public which may have been
occasioned by or in connexion with the Undertakers works or as to the
manner and extent in and to which the provisions of this Order and the 10
principal Act and of any regulations under this Order so far as such provisions
affect the safety of the public have been complied with by the Undertakers
and any person appointed under this section not being an electric inspector
shall for the purposes of his appointment have all the powers of an electric
inspector under this Order. 15

Testing and Inspection.

Testing of
mains.

39. On the occasion of the testing of any main of the Undertakers reason-
able notice thereof shall be given to the Undertakers by the electric inspector
and such testing shall be carried out at such suitable hours as in the opinion
of the inspector will least interfere with the supply of energy by the Under- 20
takers and in such manner as the inspector may think expedient but except
under the provisions of a special order in that behalf made by the Board of
Trade he shall not be entitled to have access to or interfere with the mains
of the Undertakers at any points other than those at which the Undertakers
have reserved for themselves access to the said mains Provided that the 25
Undertakers shall not be held responsible for any interruption in the supply
of energy which may be occasioned by or required by such inspector for the
purpose of any such testing as aforesaid Provided also that such testings
shall not be made in regard to any particular portion of a main oftener than
once in any three months unless in pursuance of a special order in that 30
behalf made by the Board of Trade.

Testing
works and
supply on
consumer's
premises.

40. An electric inspector if and when required to do so by any consumer
shall on payment by the consumer of the prescribed fee test the variation of
electric pressure at the consumer's terminals or make such other inspection
and testing of the service lines apparatus and works of the Undertakers upon 35
the consumer's premises as may be necessary for the purpose of determining
whether the Undertakers have complied with the provisions of this Order
and the regulations and conditions subject to which they are for the time
being authorised to supply energy.

Undertakers
to establish
testing sta-
tions.

41. The Undertakers shall at such places within a reasonable distance from 40
a distributing main establish at their own cost and keep in proper con-
dition such reasonable number of testing stations as the County Council
shall deem proper and sufficient for testing the supply of energy by the

Undertakers through such main and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade and shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.

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- 5 If any dispute arises between the County Council and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive or as to any excessive or improper use of energy for such testing or as to the performance by the Undertakers of their duties under this section such dispute shall be
10 determined by arbitration.

42. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded
15 such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence.

Undertakers to keep instruments on their premises.

43. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector
20 appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed and any readings so recorded shall be receivable in evidence.

Readings of instruments to be taken.

44. Any electric inspector appointed under this Order shall have the right
25 to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Electric inspector may test Undertakers instruments.

- 30 45. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or other agent but such officer or agent shall not interfere with the testing or inspection.

Representation of Undertakers at testings.

- 35 46. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect
40 of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

Undertakers to give facilities for testing.

47. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order make and

Report of results of testing.

A.D. 1891. deliver a report of the results of his testing to the authority or person by whom he was required to make such testing and to the Undertakers and such report shall be receivable in evidence.

Camberwell.

If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties.

Expenses of electric inspector.

48. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade and shall be paid by the Undertakers.

Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the court or Board having regard to such report or decision shall direct and may be recovered summarily as a civil debt.

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

Meters.

Meters to be used except by agreement.

49. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meter to be certified.

50. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter" Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Inspector to certify meters.

51. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

52. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer
 5 and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable hours and execute all necessary works and do all necessary acts provided that previously to supplying any such meter the Undertakers may
 10 require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

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 Undertakers to supply meters if required to do so.

53. No consumer shall connect any meter used or to be used under this
 15 Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours notice in writing of his intention so to do and if any person acts in contravention of this section he shall be liable for each offence
 20 to a penalty not exceeding forty shillings.

Meters not to be connected or disconnected without notice.

54. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

Consumer to keep his meter in proper order.

25 The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times Provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if
 30 the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers.

55. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money and on
 35 such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Power to the Undertakers to let meters.

40 56. The Undertakers shall unless the agreement of hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default
 45 continues The Undertakers shall for the purposes aforesaid have access to

Undertakers to keep meter let for hire in repair.

A.D. 1891. and be at liberty to remove test inspect and replace any such meter at all
Camberwell. reasonable times Provided that the expenses of procuring any such meter to
 be again duly certified where such re-certifying is thereby rendered necessary
 shall be paid by the Undertakers.

Differences as
 to correctness
 of meter to
 be settled by
 inspector.

57. If any difference arises between any consumer and the Undertakers 5
 as to whether any meter whereby the value of the supply is ascertained
 (whether belonging to such consumer or the Undertakers) is or is not in
 proper order for correctly registering such value or as to whether such value
 has been correctly registered in any case by any meter such difference shall
 be determined upon the application of either party by an electric inspector 10
 or where the County Council are the consumers by an inspector to be ap-
 pointed by the Board of Trade who shall also order by which of the parties
 the costs of and incidental to the proceedings before him shall be paid and
 the decision of such inspector shall be final and binding on all parties Subject
 as aforesaid the register of the meter shall be conclusive evidence in the 15
 absence of fraud of the value of the supply.

Undertakers to
 pay expenses
 of providing
 new meters
 where method
 of charge
 altered.

58. Where any consumer who is supplied with energy by the Undertakers
 from any distributing main is provided with a certified meter for the purpose
 of ascertaining the value of the supply and the Undertakers change the
 method of charging for energy supplied by them from such main the Under- 20
 takers shall pay to such consumer the reasonable expenses to which he may
 be put in providing a new meter for the purpose of ascertaining the value
 of the supply according to such new method of charging and such expenses
 may be recovered by the consumer from the Undertakers summarily as a civil
 debt. 25

Undertakers
 may place
 meters to
 measure supply
 or to check
 measurement
 thereof.

59. In addition to any meter which may be placed upon the premises of
 any consumer to ascertain the value of the supply the Undertakers may
 place upon his premises such meter or other apparatus as they may desire
 for the purpose of ascertaining or regulating either the amount of energy
 supplied to such consumer or the number of hours during which such supply 30
 is given or the maximum power taken by such consumer or any other
 quantity or time connected with the supply Provided that such meter or
 apparatus shall be of some construction and pattern and shall be fixed and
 connected with the service lines in some manner approved by the Board of
 Trade and shall be supplied and maintained entirely at the cost of the Under- 35
 takers and shall not except by agreement be placed otherwise than between
 the mains of the Undertakers and the consumer's terminals.

Maps.

Map of area of
 supply to be
 made and de-
 posited.

60. The Undertakers shall forthwith after commencing to supply energy
 under this Order cause a map to be made of the area of supply and shall 40
 cause to be marked thereon the line and the depth below the surface of all
 their then existing mains service lines and other underground works and
 street boxes and shall once in every year cause such map to be duly corrected

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so as to show the then existing lines The Undertakers shall also if so required by the Board of Trade or the Postmaster General or the County Council cause to be made sections showing the level of all their existing mains and underground works other than service lines The said map and
5 sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall at all
10 reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such
15 further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The Undertakers shall if so required by the Board of Trade or the Postmaster General or the County Council or the local authority supply to them or him a copy of any such map or section and cause such copy to be duly
20 corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

25 *Special Provisions in case of Transfer.*

61. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

Application of
moneys received by local
authority as
Undertakers.

(A.) All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money (b) money arising from the disposal
30 of lands acquired for the purposes of this Order and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

- (1) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers their officers or servants in relation to the undertaking;
- (2) In payment of the interest or dividend on any mortgages stock or
35 other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes;
- (3) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes;
- (4) In payment of all other their expenses of executing this Order
40 not being expenses properly chargeable to capital;

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(5) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities 5 of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extra- 10 ordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any 15 year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed 20 for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in 25 their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year when not answered out of 30 the reserve fund shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking 35 under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

- (1) In the reduction of the capital moneys borrowed by them for electricity purposes.
- (2) In the reduction of the capital moneys borrowed by them for 40 other than electricity purposes.

Purchase and
use of lands.

62. If the local authority become the Undertakers for the purposes of this Order the following provision shall have effect:—

Subject to the provisions of this Order and the principal Act the Under- 45 takers may acquire by purchase or on lease and use any lands for the purposes

of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not
 5 for the time being be required for the purposes of this Order Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

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Provided also that the Undertakers shall not except with the consent of the Local Government Board take for the purposes of this Order ten or more
 10 houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers
 15 costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

63. If the local authority become the Undertakers for the purposes of this
 20 Order the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act 1875 shall be incorporated with this Order and in the construction of the said provisions "this Act" shall mean this Order and the principal Act and the "local authority" shall mean the
 25 local authority as such Undertakers.

Incorporation of sections 264 and 265 of Public Health Act 1875.

Notices &c.

64. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the County Council or the local
 30 authority the signature thereof by the clerk or surveyor to the County Council or local authority shall be sufficient authentication.

Notices &c. may be printed or written.

65. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served
 35 by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively:—

Service of notices &c.

- (a) In the case of the Board of Trade the office of the Board of Trade ;
- (b) In the case of the Postmaster General the General Post Office ;
- (c) In the case of the County Council the office of such Council ;
- 40 (d) In the case of any local authority the office of such local authority ;
- (e) In the case of the Undertakers or any other company having a registered office the registered office of the Undertakers or such company ;
- (f) In the case of a company having an office or offices but no registered office the principal office of that company ;

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(g) In the case of any other person the usual or last known place of abode of such person.

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time that is to say Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

Purchase
by local
authority.

66. In lieu of the period of forty-two years from the date mentioned in section 2 of the Electric Lighting Act 1888 there shall be substituted for the purposes of this Order a period of forty-two years from the twenty-sixth day of August one thousand eight hundred and eighty-nine and the other provisions of the said section shall apply accordingly.

Revocation of Order.

Revocation
of Order where
Undertakers
are insolvent.

67. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order and that such default is in consequence of the insolvency of the Undertakers and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order the Board of Trade may after such inquiry as they may think necessary and after considering any representations of the County Council or the local authority revoke this Order as to the whole or with the consent of the Undertakers as to any part of the area of supply.

Revocation of
Order where
undertaking
cannot be
carried on
with profit.

68. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit and ought to be abandoned the Board of Trade shall inquire into the truth of such representation and if upon such inquiry they are satisfied of the truth of such representation they may if in their discretion they think fit revoke this Order as to the whole or (with the consent of the Undertakers and of the County Council and the local authority) as to any part of the area of supply.

69. In addition to any other powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers the County Council and the local authority upon such terms as the Board of Trade may think just.

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Camberwell.
 Revocation of
 Order with
 consent.
 Provisions
 where Order
 revoked.

70. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply under any of the provisions of this Order the following provisions shall have effect:—

- (a) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the County Council and the local authority and shall in such notice fix a date at which such revocation shall take effect and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine.
- (b) Within two months after the service of such notice by the Board of Trade upon the local authority the local authority if they think fit may by notice in writing require the Undertakers to sell and thereupon the Undertakers shall sell to them so much of the undertaking or such part thereof as aforesaid as is within the district of the local authority upon terms of paying the then value of all land buildings works materials and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid such value being agreed or estimated in manner directed by the Electric Lighting Act 1888 in the case of purchases effected by the local authority under section two of that Act.
- (c) Where any purchase is so effected the undertaking or part thereof so purchased shall vest in the local authority freed from any debts mortgages or similar obligations of the Undertakers or attaching to the undertaking and the revocation of this Order as to the whole of the area of supply or such part thereof as aforesaid shall extend only to the revocation of the rights powers authorities duties and obligations of the Undertakers from whom the undertaking or such part thereof as aforesaid is purchased in relation to the supply of energy within such area or part thereof and save as aforesaid this Order shall remain in full force within such area or part thereof in favour of the local authority by whom such undertaking or part thereof is purchased as aforesaid.
- (d) Where no purchase has been effected under the preceding provisions of this section the local authority and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care and the Undertakers shall pay to the local authority or other such body or person as aforesaid such reasonable costs of such removal and of the reinstatement.

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ment of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person or (if so required by the Undertakers within one week after the service of such notice upon them) as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid 5 within one month after the service upon them of such notice or the delivery of the award of the arbitrator (as the case may be) the local authority or other such body or person as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and 10 dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds 15 of the sale shall be paid over by them to the Undertakers.

(e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area or part thereof as aforesaid, or the exercise of any powers by this Order granted to the 20 Undertakers or for any expenses to which such local authority body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this 25 Order in respect of such area or part thereof and which may not have been repaid or released to the Undertakers and such money shall be applied rateably in satisfying such claims and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid shall be determined by an arbi- 30 trator to be appointed by the Board of Trade whose decision shall be final and binding on all parties.

General.

Remedying of
 system and
 works.

71. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system 35 which has been approved by the Board of Trade or have permitted any part of their circuits to be connected with earth in contravention of this Order or (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are 40 for the time being authorised to supply energy under this Order or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster General the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the 45

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Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade and fail to comply with any order made under this section in respect thereof within the period limited in that behalf the Board of Trade may if they think fit revoke this Order upon such terms as they may think fit.

72. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and true copies thereof certified by or on behalf of the Undertakers shall be forthwith served upon the County Council and the local authority and like copies shall also be kept by the Undertakers at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

Publication
of regulations.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

73. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties. Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Nature and
amount of
security.

74. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or assistant secretary of the Board.

Proceedings of
Board of
Trade.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or

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assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence 5 of the act so certified.

Approval or
consent of
Board of
Trade.

75. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit. 10

All costs and expenses of or incident to any approval consent certificate or order of the Board of Trade or of any inspector or person appointed by the Board of Trade including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid 15 by the applicant or applicants therefor Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit 20 such approval to be continued subject to such modifications as they may think necessary.

Notice of
approval of
Board of
Trade &c. to
be given by
advertisement.

76. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or where the Board of Trade 25 upon the application of the County Council or the local authority or the Undertakers revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall be published by public advertisement once at least in each of two successive weeks in some one and the same local 30 newspaper by the body by whom such application was made as aforesaid.

Notice of
application
for extension
of time &c.
to be given
to local
authority
and County
Council.

77. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers notice of such application shall be served on the County Council and the local authority by the Undertakers and an opportunity shall be given to the 35 County Council and the local authority to make representations or objections with reference thereto.

Recovery and
application of
penalties.

78. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be 40 recovered summarily in manner provided by the Summary Jurisdiction Acts.

Any penalty recovered on prosecution by an officer of the County Council shall if there is an electric inspector for the time being appointed by the County Council be paid to such officer and by him to the County Council and shall be carried to the county fund. 45

Any penalty recovered on prosecution by any other body or person or any part thereof may if the court shall so direct be paid to such body or person. A.D. 1891.
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Save as aforesaid all penalties recovered summarily under this Order shall be applied according to the law regulating the application of penalties so recovered within the metropolitan police district.

79. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries. Undertakers to be responsible for all damages.

80. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage. Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking or any part thereof under section two of the Electric Lighting Act 1888 or under this Order and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being sold or transferred as aforesaid and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect. As to mortgages.

81. Nothing in this Order shall affect any right or remedy of the Postmaster General under the principal Act or the Telegraph Acts 1863 to 1885 and all provisions contained in this Order in favour of the Postmaster General shall be construed to be in addition to and not in modification of the provisions of those Acts. Saving clause for Postmaster General.

82. Nothing in this Order shall authorise the Undertakers to break up or otherwise interfere with any embankment park or open space for the time being vested in the County Council or the local authority except so far as any part of such embankment park or open space forms part of a street or to interfere with or make use of any tunnel sewer or subway so vested except with the consent in writing of such Council or authority and subject to such terms and conditions as they may impose. Saving for embankment &c. of County Council.

83. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused by them. Undertakers not exempted from proceedings for nuisance.

84. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order. Provision as to general Acts.

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*Camberwell.*SCHEDULES.FIRST SCHEDULE.*Area of Supply.*

The parish of St. Giles Camberwell in the administrative county of London (except the portion thereof included within the area of supply of the Crystal Palace and District Electric Lighting Order 1890) as the same is constituted at the commencement of this Order. 5

Provided that in case of difference between the above description and the area delineated upon the deposited map the latter shall prevail.

[NOTE.—The area of supply for the purposes of the Crystal Palace and District Electric Lighting Order 1890 was by that Order described as follows:— 10

The area bounded by a line drawn from the junction of Anerley Road with Thicket Road through Thicket Road Crystal Palace Park Road Lawrie Park Road Kirkdale Road High Street Sydenham Sydenham Hill Road 15 Sydenham Hill Crescent Wood Road to the junction of Crescent Road with Sydenham Hill and Wells Road and thence in a direct line to the junction of Farquhar Road with Dulwich Wood Park thence in a direct line to the junction of Weston Hill Upper Norwood with Gipsy Hill thence along the boundary of the county of London to Belvedere Road 20 thence along Belvedere Road to its junction with Talavera Road and thence in a direct line to the junction of Anerley Road with Thicket Road.

Where the boundary of the area of supply is a street the houses and premises on both sides of such street shall be deemed to be within the area of supply.] 25

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order. 30

Camberwell Road and High Street Queen's Road Church Street and Rye Lane Peckham Peckham Rye (west side) (from Rye Lane to East Dulwich Road) East Dulwich Road Lordship Lane (from East Dulwich

Road to Woodwarde Road) Peckham Rye (East side) (from Rye Lane to Nunhead Lane) Nunhead Lane Lindon Grove to the Cemetery Camberwell Green (the following portions of) (Denmark Hill from Camberwell Green to Coldharbour Lane) Peckham Road Old Kent Road (the part in the parish).

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THIRD SCHEDULE.

List of streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

- 10 (a.) Streets.—None.
 (b.) Railways.—None.
 (c.) Tramways.—The London Tramways the London Southern Tramways.

FOURTH SCHEDULE.

- 15 In this schedule the expression “unit” shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

Section 1.

- 20 Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

Section 2.

- 25 Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

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ISLINGTON ELECTRIC LIGHTING.

Islington.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 and 1888 to the Camberwell and Islington Electric Light and Power Supply Limited in respect of the Parish of St. Mary Islington in the county of London.

Preliminary.

Short title.

1. This Order may be cited as the Islington Electric Lighting Order 1891.

Interpretation.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order—

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882;

20

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied;

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street subway or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply;

25

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers;

30

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply;

The expression "general supply" shall mean the general supply of energy to ordinary consumers and unless otherwise specially agreed with the local authority to the public lamps but shall not include the supply of energy to any one or more particular consumers under special agreement;

35

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order;

40

The expression "subway" shall mean any passage or covered way under the surface of a street constructed for the reception of pipes or wires;

The expression "county council" shall mean the London County Council and the provisions of this Order in which the county council is expressly mentioned shall be construed without derogation to the powers duties and liabilities of that council as local authority under this Order and the principal Act;

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Islington.

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers;

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines;

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected;

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined;

The expression "tramway" shall mean any tramway laid along any street;

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof;

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively;

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade;

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commence-
ment of Order.

Address and Description of the Undertakers.

4. The Undertakers for the purposes of this Order are the Camberwell and Islington Electric Light and Power Supply Limited being a company registered under the Companies Acts 1862 to 1886 with limited liability and having its registered offices at 5 Victoria Street in the City of Westminster.

Address and
description of
Undertakers.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order or of the principal Act such local authority shall from the date of

A.D. 1891. such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.
Islington.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license provisional order or special Act within the administrative 5 county of London unless the Undertakers are authorised by Parliament to do so.

If in contravention of this section the Undertakers purchase or acquire any such undertaking or associate themselves with such other company or person the Board of Trade may if they think fit revoke this Order upon 10 such terms as they may think just.

Area of Supply.

Area of supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red. 15

Prohibition of supply beyond area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament or under a license granted by the Board of Trade under the principal Act. 20

If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

Security for execution of works.

7. The Undertakers within a period of six months after the commencement 25 of this Order and before exercising any of the powers by this Order conferred on them in relation to the execution of works shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply. 30

The Undertakers shall also within six months after the commencement of this Order or such extended period as may be approved by the Board of Trade and before exercising any of the powers conferred on them in relation to the execution of works deposit or secure to the satisfaction of the Board of Trade a sum of one thousand pounds. 35

If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned or fail to deposit or secure such sum as aforesaid the Board of Trade may after considering any representations which the county council or the local authority may make revoke this Order as to the whole or with 40 the consent of the Undertakers any part of the area of supply upon such terms as they may think just.

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties when

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and so soon as it may be certified by an inspector to be appointed by the Board of Trade that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street or part of a street specified in that behalf in the Second Schedule or at such earlier dates and by such instalments as may be approved by the Board of Trade.

8. The Undertakers shall except with the special approval of the Board of Trade to be previously given (after consideration of any representations which the county council and the local authority may make) at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

Separate
accounts to
be kept of
undertaking.

9. The annual statement of accounts of the undertaking before being published as provided by section nine of the Electric Lighting Act 1882 shall so long as the local authority are not the Undertakers be examined and audited by such competent and impartial person as the Board of Trade shall appoint and the remuneration of the auditor shall be such as the Board of Trade shall direct and the same and all expenses incurred by him in or about the execution of his duties to such an amount as the Board of Trade shall approve shall be paid by the Undertakers on demand and shall be recoverable summarily as a civil debt.

Audit of
Undertakers
accounts.

The Undertakers shall give to the auditor his clerks and assistants access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit and shall when required furnish to him and them all vouchers and information requisite for such purpose and shall afford to him and them all facilities for the proper execution of his and their duty.

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted or otherwise for the purpose of giving effect to the provisions of this section.

Any report made by the auditor or such portion thereof as the Board of Trade shall direct shall be appended to the annual statement of accounts and shall form part thereof for the purposes of the said section nine.

Nature and Mode of Supply.

10. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposed as defined by the said Act provided as follows:—

Systems and
mode of
supply.

(1) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

(2) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out

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the provisions of any such regulations or conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions (if any) of such approval.

Prohibition of
overhead
wires.

11. The Undertakers shall not without the express consent of the county 5 council and of the Board of Trade place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply.

Where any electric lines of the Undertakers have been placed above 10 ground before the commencement of this Order (except as above in this section mentioned) they shall be removed by the Undertakers within a period of one year after such commencement.

If the Undertakers place or fail to remove any electric lines in contraven- 15 tion of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit.

Works.

20

Powers for
execution of
works.

12. Subject to the provisions of this Order and the principal Act the 25 Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use: Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to 30 break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section 35 thirteen of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

Street boxes.

13. Subject to the provisions of this Order and the principal Act and any 40 regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes: Provided that no such box or apparatus shall be placed above ground except

with the consent of the local authority body or person by whom such street is repairable.

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Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order
5 and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the
10 Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by
15 reason of inequality of surface or otherwise.

The local authority or (if the street is repairable by them) the county council may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such boxes and if the Undertakers during any hours not so prescribed remove or displace or keep
20 removed or displaced the upper surface or covering of any box without the consent of the local authority or county council as the case may be they shall be liable to a penalty not exceeding five pounds for every such offence and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court
25 having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

14. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will
30 involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect:—

Notice of works with plan to be served on the Postmaster-General local authority and county council.

(a) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a
35 notice upon the Postmaster-General the local authority and the county council describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge or any sewer drain or tunnel therein or thereunder is to be
40 interfered with and shall upon being required to do so by the Postmaster-General or the local authority or the county council give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month no part of the month of August shall be included.

45 (b) The Postmaster-General or the local authority or the county council may in his or their discretion approve of any such works or plan subject

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to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers ;

- (c) Where the Postmaster-General the local authority or the county council approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same ; 10
- (d) If the Postmaster-General the local authority or the county council fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them he or they shall be deemed to have approved such works and plan ; 15
- (e) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General the local authority and the county council or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and the principal Act ; 20 25
- (f) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority and the county council for any loss or damage which he or they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds : Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 35

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers works or their supply of energy. 40

As to streets
 not repairable
 by local authority or county

15. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by a local authority or 45

the county council or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested:—

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*Islington.*council rail-
ways tramways
and canals.

- (a) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be) in this section referred to as the "owners" describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire;
- (b) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof;
- (c) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly;
- (d) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible;
- (e) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.
- (f) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works;

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(g) Where the repair renewal or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency 5 give to the owners not less than twenty-four hours notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer The said notice shall be in 10 addition to any other notices which the Undertakers may be required to give under this Order or the principal Act;

(h) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the 15 provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds : Provided that the Undertakers shall 20 not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Street authority &c. may give notice of desire to break up streets &c. on behalf of Undertakers.

16. Any body or person for the time being liable to repair any street or 25 part of a street or liable to repair any sewer subway or work or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein 30 specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains subways tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served. Where any such body or person (in this section referred to as "the givers of the notice") have given 35 notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested :—

(a) The Undertakers shall not be entitled to proceed themselves to exercise 40 or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided or in cases of emergency ;

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- (b) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged;
- (c) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable;
- (d) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice;
- (e) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice;
- (f) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances;
- (g) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily;
- (h) The givers of the notice may if they think fit require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so or in case of difference after such difference has been determined by a court of

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summary jurisdiction they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains subways tunnels or other works or railway or tramway as in this section mentioned.

As to alteration of pipes wires &c. under streets.

17. The Undertakers may alter the position of any pipes (not forming part of any sewer of the county council or local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested :—

- (a) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as “the operators” shall serve a notice upon the body or persons for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as “the owners” describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire ;
- (b) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly ;
- (c) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible ;
- (d) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or

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plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties ;

(e) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided ;

(f) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made ;

(g) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable ;

(h) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them ;

(i) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily ;

(j) Any owners may if they think fit by any statement served by them under this section upon any operators not being the county council or a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given ;

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(k) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Laying
electric lines
&c. near
sewers &c.
or gas or
water pipes or
other electric
lines.

18. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer drain watercourse defence or work under the jurisdiction or control of the county council or of the local authority or any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as the "operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to the county council or the local authority or to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as the "owners" not less than fourteen days notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer drain watercourse defence pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owners thereof repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

The owners upon giving notice to the Undertakers during the fourteen days herein-before referred to of their desire to execute any work to which the provisions of this section apply may themselves execute the same and in case they give such notice they shall execute such work with due care and diligence and shall be subject to the like restrictions and conditions as the operators would themselves be subject to in respect of the same and the reasonable costs of executing such works shall be repaid by the operators to the owners: Provided always that the provisions of this paragraph shall not apply so long

as any like notice from the county council the local authority or other body or person under the provision of the section of this Order whereof the marginal note is "Street authority &c. may give notice of desire to break up streets &c. on behalf of undertakers" remains in force :

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- 5 Provided always that when the Undertakers or any gas company desire to lay a service pipe or line to a house or premises already connected by a service pipe or line with the works of the gas company or the Undertakers as the case may be forty-eight hours notice shall be given by the Undertakers or the gas company as the case may be to the other of them and in that case the provisions of this section so far as applicable shall then apply to such service pipes
- 10 or lines accordingly.

- Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line
- 15 shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such
- 20 mains pipes lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

- If the operators make default in complying with any of the requirements
- 25 or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds : Provided that the operators shall not be subject to
- 30 any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the sewer drain water-
- 35 course defence pipe electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

- For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company" shall mean any body or person lawfully supplying water or water
- 40 power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

19. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways
- 45 tunnels arches works or conveniences belonging to any railway or canal

For protection
of railway
and canal
companies.

A.D. 1891. company nor obstruct or interfere with the working of the traffic passing
 ' *Islington.* along any railway or canal.

For protection
 of telegraphic
 and telephonic
 wires.

20.—(1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to 5 affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between 10 the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by 15 arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section 20 and the Undertakers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the 25 Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and 30 manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the 35 Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such 40 difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such 45

owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

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(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

21. Where the Undertakers desire to lay or may be required to lay any electric line in any street under the surface of which there is a subway and the county council or local authority (as the case may be) in whom such subway is vested serve a notice upon them requiring them to lay the same in the subway then notwithstanding anything in any special or general Act of Parliament contained the powers conferred by this Order on the principal Act with respect to the breaking up and interfering with streets shall not be exercised by the Undertakers as to such streets in so far as the subway extends under the surface thereof and any electric line to which this section applies shall be laid in the subway in such manner and position as the county council or local authority shall direct or approve.

Provision as to
subways.

- Where any electric line of the Undertakers shall be so laid under the provisions of this section they shall pay to the county council or local authority in whom the subway is vested such reasonable rent for the use thereof as may be settled by agreement or in the case of difference by arbitration. Provided that the Undertakers shall have access to such subway at all such reasonable times and subject to such conditions as may be settled in like manner.

Compulsory Works.

- 22.—(1.) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule and shall thereafter maintain the same.

Mains &c. to
be laid down
in streets
specified in
Second
Schedule, and
in remainder
of area of
supply.

- (2.) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner by this Order provided.

A.D. 1891. All such mains as last above mentioned (unless already laid down) shall

Islington. be laid down by the Undertakers within six months after any requisition
 in that behalf served upon them in accordance with the provisions of this
 Order has become binding upon them or such further time as may in any
 case be approved of by the Board of Trade. 5

(3.) When any such requisition is made in respect of any street not
 repairable by the local authority which is not mentioned in the Third Schedule
 the Undertakers shall (unless the authority company or person by whom
 such street is repairable consent to the breaking up thereof) forthwith apply
 to the Board of Trade under section 13 of the Electric Lighting Act 1882 for 10
 the written consent of the Board authorising and empowering the Under-
 takers to break up such street and the requisition shall not be binding upon
 them if the Board of Trade refuse their consent in that behalf.

As to laying of
 electric line
 under special
 agreement.

23. Twenty-eight days at the least before commencing to lay in any street
 any electric line which is intended for supplying energy to any particular 15
 consumer and not for the purposes of general supply the Undertakers shall
 serve upon the local authority and upon the owner or occupier of all premises
 abutting on so much of the street as lies between the points of origin
 and termination of the electric line so to be laid a notice stating that the
 Undertakers intend to lay such electric line and setting forth the effect of 20
 this section and if within the said period any two or more of such owners
 or occupiers shall require in accordance with the provisions of this Order
 that a supply shall be given to their premises the necessary distributing
 main shall be laid by the Undertakers at the same time as the electric line
 intended for such particular consumer. 25

If Undertakers
 fail to lay
 down mains
 &c. Order may
 be revoked.

24. If the Undertakers make default in laying down any distributing
 mains in accordance with the provisions of this Order within the periods
 prescribed in that behalf respectively they shall be liable to a penalty not
 exceeding five pounds in respect of each such default for each day during
 which such default continues and if the Board of Trade are of opinion in 30
 any case that such default is wilful and unreasonably prolonged they may
 after considering any representations of the county council or the local
 authority revoke this Order as to the whole or with the consent of the
 Undertakers any part of the area of supply or if the undertakers so desire
 may after having given an opportunity to the county council and the local 35
 authority to make representations and objections with reference thereto
 suffer the same to remain in force as to such area or part thereof subject to
 such conditions as they may think fit to impose and any conditions so
 imposed shall be binding on and observed by the Undertakers and shall be
 of the like force and effect in every respect as though they were contained in 40
 this Order.

Manner in
 which requisition
 is to be
 made.

25. Any requisition requiring the Undertakers to lay down distributing
 mains for the purposes of general supply throughout any street or part of a
 street may be made by two or more owners or occupiers of premises along
 such street or part of a street or where the local authority has the control 45

and management of the public lamps in such street or part of a street by the local authority. A.D. 1891.

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Every such requisition shall be signed by the persons making the same or by the local authority (as the case may be) and shall be served upon the

5 Undertakers.

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same and any requisition so supplied shall be deemed valid in point of form.

- 10 26. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind
- 15 themselves to take or will guarantee that there shall be taken a supply of energy for two years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such
- 20 reasonable sum as shall be specified by the Undertakers in such notice Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains
- 25 which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Provisions on requisition by owners or occupiers.

- Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected or in case of
- 30 difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of two years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce
- 35 an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of
- 40 the agreement as aforesaid.

- If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry if any
- 45 as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may

A.D. 1891. *Islington.* authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than two years and to specify such sum or per-centage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the Order and the terms of the above-mentioned agreement shall be varied accordingly. 5

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration. 10

Provisions on requisition by local authority. 27. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected or within fourteen days thereafter there be tendered to the Undertakers (if required by them) an agreement executed by the local authority and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control. 15 20

Supply.

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply. 28. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following (that is to say):— 25 30

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier; 35 40

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a 45

reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

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5 Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty
10 pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to
15 be furnished by the Undertakers and in respect of energy to be supplied by them :

Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such
20 notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit
25 discontinue to supply energy for such premises so long as such failure continues :

Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to
30 unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues :

Provided also that the Undertakers shall not be compelled to give a supply
35 of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy
40 or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

29. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum
45 consumption on his premises Provided that where any consumer has

Maximum
power.

A.D. 1891. required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt. 5

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If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration. 10

Supply of energy to public lamps.

30. The Undertakers upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied. 15 20

Penalty for failure to supply.

31. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs. 25

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp and for each day on which any such default occurs. 30

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf. 35

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply. 40

Price.

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32. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

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Methods of
charging.

(1) By the actual amount of energy so supplied; or

5 (2) By the electrical quantity contained in such supply; or

(3) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method may by
10 one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method :

15 Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall give notice to the county council and the local authority by what method they propose to charge for energy supplied through such main, and if the local authority become the Undertakers under this Order they shall give the
20 like notice by public advertisement and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the county council and the local authority and to every consumer of energy who is supplied by them from such main.

25 33. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or, in the case of a method of charge approved of by the Board of Trade such price as the Board shall on approving such method determine.

Maximum
prices.

30 Provided that if the county council, the local authority, or the Undertakers, shall, at any time after the expiration of seven years from the twenty-sixth day of August, 1889, make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered, the Board of Trade, after such inquiry
35 as they may think fit, may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the Order, as if they had been stated in the said schedule :
40 Provided also, that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

34. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to
45 some one or other of the methods above mentioned the Undertakers may make

Other charges
by agreement.

A.D. 1891. any agreement with a consumer as to the price to be charged for energy
 Islington. and the mode in which such charges are to be ascertained and may charge
 accordingly.

Price to
 public lamps.

35. The price to be charged by the Undertakers and to be paid to them
 for all energy supplied to the public lamps, and the mode in which such 5
 charges shall be ascertained, shall be settled by agreement between the local
 authority and the Undertakers, or, in case of difference, by arbitration, regard
 being had to the circumstances of the case and the distributing or other mains
 (if any) which may have to be laid for the purpose, and the prices charged to
 ordinary consumers in the district. 10

Electric Inspectors.

Appointment
 of electric
 inspectors.

36. The county council so long as they are not themselves the Undertakers
 for the purposes of this Order may appoint and keep appointed one or more
 competent and impartial person or persons to be electric inspectors under this
 Order. 15

If no electric inspector is appointed by the county council, or if the county
 council themselves become the Undertakers for the purposes of this Order, the
 Board of Trade, on the application of any consumer, or of the Undertakers,
 may appoint, and keep appointed, one or more competent and impartial person
 or persons to be electric inspectors under this Order. 20

The duties of an electric inspector under this Order shall be as follows:—

- (a) The inspection and testing periodically and in special cases of the
 Undertakers' electric lines and works and the supply of energy given by
 them ;
- (b) The certifying and examination of meters ; and 25
- (c) Such other duties in relation to the undertaking as may be required of
 him under the provisions of this Order or of any regulations under this
 Order.

The county council, with the approval of the Board of Trade, or the Board
 of Trade, if the inspector is appointed by them, may prescribe the manner in 30
 which and the times at which any such duties are to be performed by an
 electric inspector, and also the fees to be taken by him, and such fees shall be
 accounted for and applied as may be directed by the county council or the
 Board of Trade, as the case may be.

Remuneration
 of electric
 inspectors.

37. The county council may pay to any electric inspector appointed by 35
 them under this Order such reasonable remuneration (if any) as they may
 determine and such remuneration may be in addition to or in substitution
 for any fees directed to be paid to electric inspectors in respect of their duties
 under this Order or any regulations of the Board of Trade made in pursuance
 of this Order or the principal Act according as the county council shall 40
 determine.

Inquiry by
 Board of Trade.

38. The Board of Trade may also if they deem it necessary appoint any
 electric inspector or other fit person or persons to inquire and report as to the
 cause of any accident affecting the safety of the public, which may have been

- occasioned by or in connexion with the Undertakers' works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the
- 5 Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

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Islington.

Testing and Inspection.

39. On the occasion of the testing of any main of the Undertakers
- 10 reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the
- 15 Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains. Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector
- 20 for the purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of
mains.

40. An electric inspector if and when required to do so by any consumer
- 25 shall on payment by such consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Testing of
works and
supply on
consumer's
premises.

41. The Undertakers shall at such places within a reasonable distance from a distributing main establish at their own cost and keep in proper condition such reasonable number of testing stations as the county council
- 35 shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade and shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.
- 40 If any dispute arises between the county council and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive or as to any excessive or improper use of energy for such testing or as to the performance

Undertakers
to establish
testing stations.

A.D. 1891. by the Undertakers of their duties under this section such dispute shall be determined by arbitration.

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Undertakers
to keep
instruments on
their premises.

42. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence. 5

Readings of
instruments to
be taken.

43. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments at such time and in such manner as he may be directed by the authority by whom he is appointed and any readings so recorded shall be receivable in evidence. 10

Electric
inspector
may test
Undertakers'
instruments.

44. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the same are not in order he may require the Undertakers forthwith to have the same put in order. 15 20

Representation
of Undertakers
at testings.

45. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or other agent but such officer or agent shall not interfere with the testing or inspection. 25

Undertakers to
give facilities
for testing.

46. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound. 30

Report of
results of
testing.

47. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing and to the Undertakers and such report shall be receivable in evidence. 35

If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties. 40

48. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade and shall be paid by
 5 the Undertakers:

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Expenses of electric inspector.

Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the court or Board
 10 having regard to such report or decision shall direct and may be recovered summarily as a civil debt:

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

15

Meters.

49. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise
 20 agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meters to be used except by agreement.

50. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and
 25 to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter" Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter
 30 unless and until it be again certified as a certified meter under the provisions of this Order.

Meter to be certified.

51. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value
 35 of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

Inspector to certify meters.

52. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter
 40 and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable hours and execute all necessary works and do all necessary

Undertakers to supply meters if required to do so.

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acts Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

5

Meters not to be connected or disconnected without notice.

53. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

10

Consumer to keep his meter in proper order.

54. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

15

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times Provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers.

20

Power to the Undertakers to let meter.

55. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

25

30

Undertakers to keep meter let for hire in repair.

56. The Undertakers shall unless the agreement of hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

35

40

Differences as to correctness of meter to be settled by inspector.

57. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in

proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector or where the county council are the consumers by an inspector to be appointed by the Board of Trade who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

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58. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers
to pay expenses
of providing
new meters
where method
of charge
altered.

59. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Undertakers
may place
meters to
measure supply
or to check
measurement
thereof.

Maps.

60. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines The Undertakers shall also if so required by the Board of Trade or the Postmaster-General or the county council cause to be made sections showing the level of all their existing mains and underground works other than service lines The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Map of area
of supply to
be made and
deposited.

Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall at

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all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe. 5

The Undertakers shall if so required by the Board of Trade or the Postmaster-General or the county council or the local authority supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers. 10

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds. 15

Special Provisions in case of Transfer.

Application
of moneys
received by
local authority
as Under-
takers.

61. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect :—

(A.) All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money (b) money arising from the disposal of lands acquired for the purposes of this Order and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows :— 20

- (1) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers their officers or servants in relation to the undertaking; 25
- (2) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes; 30
- (3) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes;
- (4) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital; 35
- (5) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the 40

undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

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The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or any part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year when not answered out of the reserved fund shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

- (1) In the reduction of the capital moneys borrowed by them for electricity purposes;
- (2) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

62. If the local authority become the Undertakers for the purposes of this Order the following provision shall have effect:—

Purchase and
use of lands.

Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Provided also that the Undertakers shall not except with the consent of the Local Government Board take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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For the purposes of this section the expression "labouring class" means and includes mechanics artificers labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them. 5

Incorporation
of sections 264
and 265 of
Public Health
Act 1875.

63. If the local authority become the Undertakers for the purposes of this Order the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act 1875 shall be incorporated with this Order and in the construction of the said provisions "this Act" shall mean this Order and the principal Act and the "local authority" shall mean the local authority as such Undertakers. 10

Notices &c.

Notices &c.
may be
printed or
written.

64. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the county council or the local authority the signature thereof by the clerk or surveyor to the county council or local authority shall be sufficient authentication. 15

Service of
notices &c.

65. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively— 20

- (a) In the case of the Board of Trade the office of the Board of Trade;
- (b) In the case of the Postmaster-General the General Post Office; 25
- (c) In the case of the county council the office of such council;
- (d) In the case of any local authority the office of such local authority;
- (e) In the case of the Undertakers or any other company having a registered office the registered office of the Undertakers or such company;
- (f) In the case of a company having an office or offices but no registered office the principal office of that company; 30
- (g) In the case of any other person the usual or last known place of abode of such person.

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description. 35

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises. 40

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be

5 reckoned in the computation of such time that is to say Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

66. In lieu of the period of forty-two years from the date mentioned
10 in section two of the Electric Lighting Act 1888 there shall be substituted for the purposes of this Order a period of forty-two years from the twenty-sixth day of August One thousand eight hundred and eighty-nine and the other provisions of the said section shall apply accordingly.

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Purchase by
local authority.

Revocation of Order.

15 67. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order and that such default is in consequence of the insolvency of the Undertakers and that by reason of such insolvency the Undertakers are
20 unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order the Board of Trade may after such inquiry as they may think necessary and after considering any representations of the county council or the local authority revoke this Order as to the whole or with the consent of the Undertakers as to any part of the area
25 of supply.

Revocation of
Order where
Undertakers
are insolvent.

68. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit and ought to be abandoned the Board of Trade shall inquire into the truth of such representation and if upon such inquiry they are satisfied
30 of the truth of such representation they may if in their discretion they think fit revoke this Order as to the whole or (with the consent of the Undertakers and of the county council and the local authority) as to any part of the area of supply.

Revocation of
Order where
undertaking
cannot be
carried on
with profit.

69. In addition to any other powers which the Board of Trade may
35 have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers the county council and the local authority upon such terms as the Board of Trade may think just.

Revocation
of Order
with consent.

70. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply under any of the provisions of this Order
40 the following provisions shall have effect:—

Provisions
where Order
revoked.

(a) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the county council and the local authority and shall in such notice fix a date at which such revocation shall

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take effect and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine.

- (b) Within two months after the service of such notice by the Board 5
of Trade upon the local authority the local authority if they think fit
may by notice in writing require the Undertakers to sell and thereupon
the Undertakers shall sell to them so much of the undertaking or such
part thereof as aforesaid as is within the district of the local authority
upon terms of paying the then value of all land buildings works 10
materials and plant of the Undertakers suitable to and used by them
for the purposes of the undertaking or such part thereof as aforesaid
such value being agreed or estimated in manner directed by the
Electric Lighting Act 1888 in the case of purchases effected by the local
authority under section two of that Act. 15
- (c) Where any purchase is so effected the undertaking or part thereof
so purchased shall vest in the local authority freed from any debts
mortgages or similar obligations of the Undertakers or attaching to
the undertaking and the revocation of this Order as to the whole
of the area of supply or such part thereof as aforesaid shall extend 20
only to the revocation of the rights powers authorities duties and
obligations of the Undertakers from whom the undertaking or such
part thereof as aforesaid is purchased in relation to the supply of energy
within such area or part thereof and save as aforesaid this Order
shall remain in full force within such area or part thereof in favour 25
of the local authority by whom such undertaking or part thereof is
purchased as aforesaid.
- (d) Where no purchase has been effected under the preceding provisions
of this section the local authority and any body or person who may
be liable to repair any street or part of a street in which any works of 30
the Undertakers may have been placed may (subject however to any
agreement between the local authority or such body or person and the
Undertakers providing for the removal of such works by the Undertakers)
forthwith remove such works with all reasonable care and the Under-
takers shall pay to the local authority or such other body or person 35
as aforesaid such reasonable costs of such removal and of the reinstatement
of such street or part of a street as may be specified in a notice
to be served on the Undertakers by such local authority or other body
or person or (if so required by the Undertakers within one week
after the service of such notice upon them) as may be settled by 40
arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid
within one month after the service upon them of such notice or the
delivery of the award of the arbitrator (as the case may be) the local
authority or other such body or person as aforesaid may without any 45
previous notice to the Undertakers (but without prejudice to any other

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remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

(e) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area or part thereof as aforesaid or the exercise of any powers by this Order granted to the Undertakers or for any expenses to which such local authority body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof and which may not have been repaid or released to the Undertakers and such money shall be applied rateably in satisfying such claims and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid shall be determined by an arbitrator to be appointed by the Board of Trade whose decision shall be final and binding on all parties.

General.

71. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or have permitted any part of their circuits to be connected with earth in contravention of this Order or (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

Remedying
of system and
works.

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the

A.D. 1891. Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

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If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade and fail to comply with any order made under this section in respect thereof within the period limited in that behalf the Board of Trade may if they think fit revoke this Order upon such terms as they may think fit. 5

Publication of regulations.

72. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and true copies thereof certified by or on behalf of the Undertakers shall be forthwith served upon the county council and the local authority and like copies shall also be kept by the Undertakers at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy. 10 15

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds. 20

Nature and amount of security.

73. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties. Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands. 25 30

Proceedings of Board of Trade.

74. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or assistant secretary of the Board. 35

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown. 40

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the act so certified.

75. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit.

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Approval or consent of Board of Trade.

- 5 All costs and expenses of or incident to any approval consent certificate or order of the Board of Trade or of any inspector or person appointed by the Board of Trade including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid
- 10 by the applicant or applicants therefor Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit
- 15 such approval to be continued subject to such modifications as they may think necessary.

76. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or where the Board of Trade
- 20 upon the application of the county council or the local authority or the Undertakers revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall be published by public advertisement once at least in each of two successive weeks in some one and the same local news-
- 25 paper by the body by whom such application was made as aforesaid.

Notice of approval of Board of Trade &c. to be given by advertisement.

77. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers notice of such application shall be served on the county council and the local authority by the Undertakers and an opportunity shall be given to the county council
- 30 and the local authority to make representations or objections with reference thereto.

Notice of application for extension of time &c. to be given to local authority and county council.

78. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered
- 35 summarily in manner provided by the Summary Jurisdiction Acts.

Recovery and application of penalties.

Any penalty recovered on prosecution by an officer of the county council shall if there is an electric inspector for the time being appointed by the county council be paid to such officer and by him to the county council and shall be carried to the county fund.

- 40 Any penalty recovered on prosecution by any other body or person or any part thereof may if the court shall so direct be paid to such body or person.

Save as aforesaid all penalties recovered summarily under this Order shall be applied according to the law regulating the application of penalties so recovered within the metropolitan police district.

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Undertakers
to be respon-
sible for all
damages.

79. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and 5
bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

As to
mortgages.

80. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any 10
such mortgage. Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking or any part thereof under section two of the Electric Lighting Act 1888 or under this Order and 15
that any mortgage granted by the Undertakers shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being sold or transferred as aforesaid and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

Saving clause
for Postmaster-
General.

81. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1885 20
and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving for
embankment
&c. of county
council.

82. Nothing in this Order shall authorise the Undertakers to break up or otherwise interfere with any embankment park or open space for the time 25
being vested in the county council or the local authority except so far as any part of such embankment park or open space forms part of a street or to interfere with or make use of any tunnel sewer or subway so vested except with the consent in writing of such council or authority and subject to such terms and conditions as they may impose. 30

Undertakers
not exempted
from pro-
ceedings for
nuisance

83. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused by them.

Provision as
to general
Acts.

84. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any 35
general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

SCHEDULES.

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FIRST SCHEDULE.

AREA OF SUPPLY.

The parish of St. Mary Islington in the administrative county of London
5 as the same is constituted at the commencement of this Order.

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order:—

- 10 City Road High Street Upper Street Park Street Highbury Place
Highbury New Park Highbury Crescent St. Paul's Road Holloway Road
Tollington Road Parkhurst Road Camden Road Seven Sisters Road Junction
Road Caledonian Road Essex Road and Liverpool Road.

THIRD SCHEDULE.

- 15 *List of streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order:—*

(a.) *Streets:—*

- 20 Aberdeen Park Holly Park Hildrop Lane Whitehall Park
Harberton Road Gladsman's Road Gresley Road Cressida Road
Marquess Grove Mountfort Terrace Mount Pleasant Alma Terrace
Duncan Terrace Tibberton Square Muriel Street Lister Mews
Station Road (Finsbury Park) Cathcart Hill Foxham Road
25 Tytherton Road Beversbrook Road Highbury Mews Liberia
Road Fergus Road Gallia Road Aberdeen Road North Holme
Road Ardilaun Road Sotherby Road Station Road Melgund
Road Highbury Terrace Mews Dickenson Road Brocklebank
Road (Junction Road) Wray Crescent and the roads within the
Metropolitan Cattle Market.

- 30 (b.) *Railways:—*

None.

(c.) *Tramways:—*

The North Metropolitan Tramways the London Street Tramways.

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*Islington.*FOURTH SCHEDULE.

In this schedule--

The expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

5

SECTION 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter--For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

10

SECTION 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

15

SOUTHWARK ELECTRIC LIGHTING.

A.D. 1891.

Southwark.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Brush Electrical Engineering Company, Limited, in respect of the District of St. Saviour's District Board of Works in the County of London.

Preliminary.

1. This Order may be cited as the Southwark Electric Lighting Order, Short title. 1891.

10 2. This Order is to be read and construed subject in all respects to the Interpretation. provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act"; and the several words, terms and expressions to which by the principal Act 15 meanings are assigned, shall have in this Order the same respective meanings, provided that in this Order—

The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882 :

20

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied :

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street subway or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply :

25

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer, either from any main or directly from the premises of the Undertakers :

30

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply :

The expression "general supply" shall mean the general supply of energy to ordinary consumers, and, unless otherwise specially agreed with the local authority, to the public lamps, but shall not include the supply of energy to any one or more particular consumers under special agreement :

35

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order :

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- A.D. 1891. The expression "subway" shall mean any passage or covered way under the surface of a street, constructed for the reception of pipes or wires :
 ———
Southwark. The expression "county council" shall mean the London County Council, and the provisions of this Order in which the county council is expressly mentioned, shall be construed without derogation to the powers, duties, 5 and liabilities of that council as local authority under this Order and the principal Act :
 The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers :
 The expression "consumer's terminals" shall mean the ends of the electric 10 lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines :
 The expression "telegraphic line," when used with respect to any telegraphic line of the Postmaster General shall have the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed 15 to be injuriously affected where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected :
 The expression "railway" shall include any tramroad, that is to say, any tramway other than a tramway as herein-after defined : 20
 The expression "tramway" shall mean any tramway laid along any street :
 The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof :
 The expressions "First Schedule," "Second Schedule," "Third Schedule," 25 and "Fourth Schedule" shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively :
 The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order, and signed by an assistant secretary to the Board of Trade : 30
 The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 88 feet, and where possible a section drawn to the same horizontal scale as the plan, and to a vertical scale of at least one inch to 11 feet, with such detail plan and sections as may be necessary.
 Commence- 3. This Order shall come into force and have effect upon the day when the 35 ment of Order. Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Address and Description of the Undertakers.

- Address and 4. The Undertakers for the purposes of this Order are the Brush Electrical description of Undertakers. Engineering Company, Limited, being a company registered under the Com- 40 panies Acts 1862 to 1880, with limited liability, and having its registered offices at No. 112, Belvedere Road, S.E.

Provided that if the undertaking, or any part thereof, is at any time transferred to any company or purchased by the local authority in accordance

with the provisions of this Order, or of the principal Act, such company or local authority shall from the date of such transfer or purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

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- 5 The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license, provisional order, or special Act, within the administrative county of London, unless the Undertakers are authorised by Parliament to do so.
- 10 If in contravention of this section the Undertakers purchase or acquire any such undertaking, or associate themselves with such other company or person, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think just.

Area of Supply.

- 15 5. Subject to the provisions of this Order, the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red. Area of supply.
6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament, or under a license granted by the Board of Trade under the principal Act. Prohibition of supply beyond area of supply.
- 20

- If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just.
- 25

Security and Accounts.

7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers of this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply. Security for execution of works.
- 30

- The Undertakers shall also within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of one thousand pounds.
- 35

- If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned, or fail to deposit or secure such sum as aforesaid, the Board of Trade may, after considering any representations which the county council or the local authority may make, revoke this Order as to the whole, or, with
- 40

A.D. 1891. the consent of the Undertakers, any part of the area of supply, upon such terms as they may think just.

Southwark.

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector, to be appointed by the Board of Trade, that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, or at such earlier dates, and by such instalments as may be approved by the Board of Trade.

Separate accounts to be kept of undertaking.

8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the county council and the local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

Audit of Undertakers' accounts.

9. The annual statement of accounts of the Undertaking, before being published as provided by section nine of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the Board of Trade shall appoint, and the remuneration of the auditor shall be such as the Board of Trade shall direct, and the same and all expenses incurred by him in or about the execution of his duties, to such an amount as the Board of Trade shall approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt.

The Undertakers shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the Undertaking as shall be necessary for the purposes of the audit, and shall when required furnish to him and them all vouchers and information requisite for such purpose, and shall afford to him and them all facilities for the proper execution of his and their duty.

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted, or otherwise for the purpose of giving effect to the provisions of this section.

Any report made by the auditor, or such portion thereof as the Board of Trade shall direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section nine.

Nature and Mode of Supply.

Systems and mode of supply.

10. Subject to the provisions of this Order and the principal Act, the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act, provided as follows:—

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade, and subject to such

regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

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- 5 (2.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval.
- 10 (3.) The system of supply shall be by continuous current only except by consent of the Board of Trade.

Prohibition of Overhead Wires.

11. The Undertakers shall not without the express consent of the county council and of the Board of Trade place any electric line above ground, except
- 15 within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply.
- Prohibition of overhead wires.

Where any electric lines of the Undertakers have been placed above ground, before the commencement of this Order (except as above in this section mentioned), they shall be removed by the Undertakers within a period of one year after such commencement.

- If the Undertakers place or fail to remove any electric lines in contravention of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and
- 25 any court of summary jurisdiction on complaint made, may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit.

Works.

12. Subject to the provisions of this Order and the principal Act,
- 30 the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets, not repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule, so far as such streets, railways, and tramways may for the time being be included in the area of supply, and be, or
- 35 be upon land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.
- Powers for execution of works.

- Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by
- 40 the local authority or any railway or tramway, except such streets, railways, or tramways (if any) or such parts thereof as are specified in the said schedule, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, or of the Board of Trade under section 13 of the Electric Lighting Act, 1882, and where the Board

A.D. 1891. of Trade give such consent the provisions of this Order shall apply to the
Southwark. street, railway, or tramway to which the consent relates as if it had been
 specified in the said schedule.

Street boxes. 13. Subject to the provisions of this Order and the principal Act, and any
 regulations made under this Order, the Undertakers may construct in 5
 any street such boxes as may be necessary for purposes in connexion with
 the supply of energy, including apparatus for the proper ventilation of
 such boxes.

Provided that no such box or apparatus shall be placed above ground,
 except with the consent of the local authority, body or person by whom such 10
 street is repairable.

Every such box shall be for the exclusive use of the Undertakers and
 under their sole control, except so far as the Board of Trade may otherwise
 order, and shall be used by the Undertakers only for the purpose of leading 15
 off service lines and other distributing conductors, or for examining, testing,
 regulating, measuring, directing, or controlling the supply of energy, or for
 examining or testing the condition of the mains or other portions of the
 works, or for other like purposes connected with the undertaking; and the
 Undertakers may place therein meters, switches, and any other suitable and 20
 proper apparatus for any of the above purposes.

Every such box, including the upper surface or covering thereof, shall be
 constructed of such materials, and shall be constructed and maintained by
 the Undertakers in such manner as not to be a source of danger whether
 by reason of inequality of surface or otherwise.

The local authority, or (if the street is repairable by them) the county 25
 council, may, with the approval of the Board of Trade, prescribe the hours
 during which the Undertakers are to have access to such boxes, and if the
 Undertakers, during any hours not so prescribed, remove or displace or keep
 removed or displaced the upper surface or covering of any box without the
 consent of the local authority, or county council, as the case may be, they 30
 shall be liable to a penalty not exceeding five pounds for every such offence
 and to a daily penalty not exceeding five pounds: Provided that the Under-
 takers shall not be subject to any such penalties as aforesaid if the court
 having cognizance of the case shall be of opinion that the case was one of
 emergency, and that the Undertakers complied with the requirements of this 35
 section so far as was reasonable under the circumstances.

Notice of
 works, with
 plan, to be
 served on the
 Postmaster-
 General, local
 authority, and
 county council.

14. Where the exercise of any of the powers of the Undertakers in relation
 to the execution of any works (including the construction of boxes) will
 involve the placing of any works in, under, along, or across any street or
 public bridge, the following provisions shall have effect: 40

(a.) One month before commencing the execution of such works (not being
 the repairs, renewals, or amendments of existing works of which the
 character and position are not altered), the Undertakers shall serve a
 notice upon the Postmaster-General and the local authority and the
 county council describing the proposed works, together with a plan of 45

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the works showing the mode and position in which such works are intended to be executed, and the manner in which it is intended that such street or bridge, or any sewer, drain, or tunnel therein or thereunder, is to be interfered with, and shall, upon being required to do so by the Postmaster-General or the local authority or county council give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.

(b.) The Postmaster-General or the local authority or the county council may in his or their discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers.

(c.) Where the Postmaster-General or the local authority or the county council approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapprove of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter, and allow or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same.

(d.) If the Postmaster-General or the local authority or the county council fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them, he or they shall be deemed to have approved such works and plan.

(e.) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General and the local authority and the county council or by the Board of Trade, as above mentioned; but where any such works, description, and plan are so approved, or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of the principal Act.

(f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority and the county council for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and

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that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order, or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy.

As to streets not repairable by local authority, or county council, railways, tramways, and canals.

15. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street or part of a street, not repairable by the local authority or county council, or over or under any railway, tramway, or canal, the following provisions shall have effect, unless otherwise agreed between the parties interested :—

- (a.) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the "owners," describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.
- (b.) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given to the provisions thereof.
- (c.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.
- (d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible.
- (e.) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them any question required to be settled by arbitration has been

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so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as hereinbefore mentioned, or as may be agreed upon between the parties.

10 (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works.

15 (g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency give to the owners not less than twenty-four hours' notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

25 (h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and, in addition thereto, they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

16. Any body or person for the time being liable to repair any street or part of a street, or liable to repair any sewer, subway, or work, or entitled to work any railway or tramway, which the Undertakers may be empowered to break up for the purposes of this Order, may, if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, subways, tunnels, or other works vested in or under the control or management of such body or person, and

Street authority, &c., may give notice of desire to break up streets, &c., on behalf of Undertakers.

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may amend or revoke any such notice by another notice similarly served. Where any such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested :—

- (a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency. 10
- (b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged. 20
- (c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable. 25
- (d.) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified, in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice. 30
- (e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice; but in such case the Undertakers shall, within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice. 40
- (f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid, otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid, if the court having cognizance of the case shall be of opinion 45

that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. A.D. 1891.
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5 (g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers, under this section, shall be repaid to them by the Undertakers, and may be recovered summarily.

10 (h.) The givers of the notice, may, if they think fit, require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section, as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section, until such security has been duly given.

20 Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order, or the principal Act, in relation to the execution of any works beyond the actual breaking up, filling in, reinstating or making good any such street or part of a street, or any such bridges, sewers, drains, subways, tunnels, or other works, or railway or tramway as in this section mentioned.

25 17. The Undertakers may alter the position of any pipes (not forming part of any sewer of the county council or the local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order; and any body or person may, in like manner, alter the position of any electric lines or works of the Undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person, in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested :—

35 (a.) One month before commencing any such alterations, the Undertakers, or such body or person (as the case may be), in this section referred to as “the operators,” shall serve a notice upon the body or persons for the time being entitled to such pipes, wires, electric lines, or works (as the case may be), in this section referred to as “the owners,” describing the proposed alterations, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

40 (b.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators, requiring that any question in relation to such works, or to

As to alteration of pipes, wires, &c., under streets.

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compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.

- (c.) In settling any question under this section, an arbitrator shall have 5
regard to any duties or obligations which the owners may be under in
respect of such pipes, wires, electric lines, or works, and may, if he thinks
fit, require the operators to execute any temporary or other works, so as to
avoid interference with any purpose for which such pipes, wires, electric
lines, or works are used so far as may be possible. 10
- (d.) Where no such requisition as in this section mentioned is served upon 10
the operators, the owners shall be held to have agreed to the notice or
plan served on them as aforesaid, and in such case, or where, after any
such requisition has been served upon them any question required to be
settled by arbitration has been so settled, the operators, upon paying or 15
securing any compensation, which they may be required to pay or secure,
may cause the alterations specified in such notice and plan as aforesaid to
be made, but subject in all respects to the provisions of this Order and
the principal Act, and only in accordance with the notice and plan so
served by them as aforesaid, or such modifications thereof respectively as 20
may have been settled by arbitration as herein-before mentioned, or as
may be agreed upon between the parties.
- (e.) At any time before any operators are entitled to commence any such 25
alterations as aforesaid, the owners may serve a statement upon the
operators stating that they desire to execute such alterations themselves,
and where any such statement has been served upon the operators, they
shall not be entitled to proceed themselves to execute such alterations,
except where they have notified to such owners that they require them
to execute such alterations, and such owners have refused or neglected to
comply with such notification as herein-after provided. 30
- (f.) Where any such statement as last aforesaid has been served upon the
operators, they shall, not more than forty-eight hours and not less than
twenty-four hours before the execution of such alterations is required to
be commenced, serve a notification upon the owners stating the time
when such alterations are required to be commenced, and the manner in 35
which such alterations are required to be made.
- (g.) Upon receipt of any such notification as last aforesaid, the owners may
proceed to execute such alterations as required by the operators, subject
to the like restrictions and conditions as the operators would themselves
be subject to in executing such alterations, so far as the same may be 40
applicable.
- (h.) If the owners decline, or for twenty-four hours after the time when
any such alterations are required to be commenced, neglect to comply
with such notification, the operators may themselves proceed to execute
such alterations in like manner as they might have done if no such 45
statement as aforesaid had been served upon them.

(i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators, and may be recovered summarily. A.D. 1891.
Southwark.

5 (j.) Any owners may, if they think fit, by any statement served by them under this section upon any operators not being the county council or a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order, and where any operators have been so
10 required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.

(k.) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other
15 compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily
20 penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

25 18. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the county council or of the local authority, or any main, pipe, syphon, electric line, or other work belonging to any gas,
30 electric supply, or water company, has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or such gas or water company (as the
35 case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the county council or local authority, or to such gas, electric supply, or water company, or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than fourteen days'
40 notice before commencing to dig or sink such trench as aforesaid, and such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence pipe, syphon, electric line, or work, and for
45 securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

Laying of electric lines, &c., near sewers, &c., or gas or water pipes, or other electric lines.

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Where the operators find it necessary to undermine but not alter the position of any pipe, electric line, or work, they shall temporarily support the same in position during the execution of their works, and before completion provide a suitable and proper foundation for the same where so undermined.

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The owners, upon giving notice to the Undertakers during the fourteen days herein-before referred to of their desire to execute any work to which the provisions of this section apply, may themselves execute the same; and in case they give such notice, they shall execute such work with due care and diligence, and shall be subject to the like restrictions and conditions as the operators would themselves be subject to in respect of the same, and the reasonable costs of executing such works shall be repaid by the operators to the owners: Provided always, that the provisions of this paragraph shall not apply so long as any like notice from the county council, the local authority, or other body or person under the provision of the section of this Order whereof the marginal note is "Street authority, &c., may give notice of desire to break up streets, &c., on behalf of Undertakers" remains in force.

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Provided always, that when the Undertakers or any gas company desire to lay a service pipe or line to a house or premises already connected by a service pipe or line with the works of the gas company or the Undertakers, as the case may be, forty-eight hours' notice shall be given by the Undertakers or the gas company, as the case may be, to the other of them, and in that case the provisions of this section, so far as applicable, shall then apply to such service pipes or lines accordingly.

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Where the operators (being the Undertakers) lay any electric line, crossing, or liable to touch any mains, pipes, lines or services belonging to any gas, electric supply, or water company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade, and the Undertakers shall not, except with the consent of the gas, electric supply, or water company as the case may be, and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, lines or services, or except with the like consent employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

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Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions of this section, so far as was reasonable

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under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, water-course, defence, pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

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- 5 For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas, the expression "water company" shall mean any body or person lawfully supplying water or water power, and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this
- 10 Order.

19. In the exercise of any of the powers of this Order relating to the execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works or conveniences belonging to any railway or canal company, nor obstruct or interfere with the working of the traffic
- 15 passing along any railway or canal.

For protection of railway and canal companies.

- 20.—(1.) The Undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions, and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or
- 20 line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire
- 25 or line as to whether the Undertakers have constructed, laid down, or placed their electric lines or other works, or worked their undertaking in contravention of this sub-section, and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby, such question shall be determined by arbitration, and the arbitrator (unless
- 30 he is of opinion that such wire or line, not having been so in existence at such time as aforesaid, has been constructed or placed without reasonable precautions against such injurious affection) may direct the Undertakers to make any alterations in, or additions to, their system so as to comply with the provisions of this section, and the Undertakers shall make such alterations
- 35 or additions accordingly.

For protection of telegraphic and telephonic wires.

- (2.) Seven days before commencing to lay down or place any electric line, or to use any electric line, in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously
- 40 affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line, notice in writing specifying the course, nature, and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in
- 45 which (if at all) earth returns are proposed to be used; and any owner

A.D. 1891. entitled to receive such notice may from time to time serve a requisition on
 Southwark. the Undertakers requiring them to adopt such precautions as may be therein
 specified in regard to the laying, placing, or user of such electric line, for the
 purpose of preventing such injurious affection; and the Undertakers shall
 conform with such reasonable requirements as may be made by such owner 5
 for the purpose of preventing the communication through such wire or line
 from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with
 respect to the reasonableness of any requirements so made such difference
 shall be determined by arbitration. 10

Provided that nothing in this sub-section shall apply to repairs or renewals
 of any electric line so long as the course, nature, and gauge of such electric
 line and the amount and nature of the current transmitted thereby are not
 altered.

(3.) If in any case the Undertakers make default in complying with the 15
 provisions of this section they shall make full compensation to every such
 owner as aforesaid for any loss or damage which he may incur by reason
 thereof, and in addition thereto they shall be liable to a penalty not exceeding
 five pounds for every such default, and to a daily penalty not exceeding
 forty shillings: Provided that the Undertakers shall not be subject to any 20
 such penalties as aforesaid if the court having cognizance of the case shall be
 of opinion that the case was one of emergency, and that the Undertakers
 complied with the requirements of this section so far as was reasonable
 under the circumstances, or that the default in question was due to the fact
 that the Undertakers were ignorant of the position of the wire or line 25
 affected thereby, and that such ignorance was not owing to any negligence
 on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner
 of any existing rights to proceed against the Undertakers by indictment,
 action, or otherwise in relation to any of the matters aforesaid. 30

Provision as
 to subways.

21. Where the Undertakers desire to lay, or may be required to lay, any
 electric line in any street under the surface of which there is a subway, and
 the county council or the local authority (as the case may be) in whom such
 subway is vested, serve a notice upon them requiring them to lay the same
 in the subway, then, notwithstanding anything in any special or general 35
 Act of Parliament contained, the powers conferred by this Order and the
 principal Act, with respect to the breaking up and interfering with streets
 shall not be exercised by the Undertakers as to such streets in so far as the
 subway extends under the surface thereof, and any electric line to which this
 section applies shall be laid in the subway in such manner and position as 40
 the county council or local authority shall direct or approve.

Where any electric line of the Undertakers shall be so laid under the
 provisions of this section they shall pay to the county council or local
 authority in whom the subway is vested such reasonable rent for the use
 thereof as may be settled by agreement, or, in case of difference, by arbi- 45

tration: Provided that the Undertakers shall have access to such subway at all such reasonable times, and subject to such conditions as may be settled in like manner.

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Compulsory Works.

- 5 22.—(1.) The Undertakers shall, within a period of two years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street and part of a street specified in that behalf in the Second Schedule, and shall thereafter maintain the same.
- 10 (2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this
- 15 Order provided.

Mains, &c., to be laid down in streets specified in Second Schedule and in remainder of area of supply.

- All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them, or such further time as may in any case be
- 20 approved of by the Board of Trade.

- (3.) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, company, or person by whom such street is repairable, consent to the breaking up thereof) forthwith apply
- 25 to the Board of Trade under section 13 of the Electric Lighting Act, 1882, for the written consent of the Board, authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

23. Twenty-eight days at the least before commencing to lay in any street
- 30 any electric line which is intended for supplying energy to any particular consumer and not for the purposes of general supply, the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the Under-
- 35 takers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line
- 40 intended for such particular consumer.

As to laying of electric line under special agreement.

24. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during

If Undertakers fail to lay down mains, &c., Order may be revoked.

A.D. 1891. which such default continues, and if the Board of Trade are of opinion in
 Southwark. any case that such default is wilful and unreasonably prolonged they may,
 after considering any representations of the county council or the local
 authority, revoke this Order as to the whole, or, with the consent of the
 Undertakers, any part of the area of supply, or, if the Undertakers so desire, 5
 may, after having given an opportunity to the county council and the local
 authority to make representations and objections with reference thereto,
 suffer the same to remain in force as to such area or part thereof, subject
 to such conditions as they may think fit to impose, and any conditions so
 imposed shall be binding on and observed by the Undertakers, and shall 10
 be of the like force and effect in every respect as though they were contained
 in this Order.

Manner in
 which requisition
 is to be
 made.

25. Any requisition requiring the Undertakers to lay down distributing
 mains for the purposes of general supply throughout any street or part of a
 street may be made by two or more owners or occupiers of premises along 15
 such street or part of a street, or where the local authority has the control
 and management of the public lamps in such street or part of a street, by the
 local authority.

Every such requisition shall be signed by the persons making the same
 or by the local authority (as the case may be), and shall be served upon the 20
 Undertakers.

Forms of requisition shall be kept by the Undertakers at their office, and
 a copy shall be supplied free of charge to any owner or occupier of premises
 within the area of supply and to the local authority on application for the
 same, and any requisition so supplied shall be deemed valid in point of form. 25

Provisions on
 requisition by
 owners or
 occupiers.

26. Where any such requisition is made by any such owners or occupiers
 as aforesaid, the Undertakers (if they think fit) may, within fourteen days
 after the service of the requisition upon them, serve a notice on all the
 persons by whom the requisition is signed, stating that they decline to be 30
 bound by such requisition unless such persons or some of them will bind
 themselves to take, or will guarantee that there shall be taken, a supply of
 energy for two years, of such amount in the aggregate (to be specified by
 the Undertakers in such notice) as will at the rates of charge for the time
 being charged by the Undertakers for a supply of energy from distributing
 mains to ordinary consumers within the area of supply produce annually 35
 such reasonable sum as shall be specified by the Undertakers in such notice:
 Provided that in such notice the Undertakers shall not, without the authority
 of the Board of Trade, specify any sum exceeding twenty per centum upon
 the expense of providing and laying down the required distributing mains,
 and any other mains or additions to existing mains which may be necessary 40
 for the purpose of connecting such distributing mains with the nearest
 available source of supply.

Where such notice is served the requisition shall not be binding on the
 Undertakers unless, within fourteen days after the service of such notice
 on all the persons signing the requisition has been effected, or in case of 45

difference, the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons or some of them, binding them to take, or guaranteeing that there shall be taken, for a period of two years at the least, such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice, or determined by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid), within the period limited for the tender of the agreement as aforesaid.

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If the Undertakers consider that the requisition is unreasonable, or that under the circumstances of the case the provisions of this section ought to be varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, who after such inquiry, if any, as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers, or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than two years and to specify such sum or percentage, whether calculated as herein-before provided or otherwise, as shall be fixed or directed by the Order, and the terms of the above-mentioned agreement shall be varied accordingly.

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement, such difference shall, subject to the provisions of this section and the decision of the Board of Trade upon any such appeal as aforesaid, be determined by arbitration.

27. Where any such requisition is made by the local authority, it shall not be binding on the Undertakers, unless at the time when such service is effected, or within fourteen days thereafter, there be tendered to the Undertakers (if required by them) an agreement executed by the local authority, and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Provisions on
requisition by
local authority.*Supply.*

28. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions, subject to which they are authorised to supply energy under this

Undertakers
to furnish
sufficient
supply of
energy to
owners and
occupiers
within the
area of supply.

A.D. 1891. Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following (that is to say):

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The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers, although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—
Serve a notice upon the Undertakers, specifying the premises in respect of which such supply is required, and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence: and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers, for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section, to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier, in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

Provided also, that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner, or uses the energy supplied to him by the Undertakers for any purposes, or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any

other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises so long as such user continues.

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Southwark.

5 Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

10 If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined by arbitration.

15 29. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt.

Maximum power.

25 If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises, or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

30 30. The Undertakers, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Supply of energy to public lamps.

35 31. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Penalty for failure to supply.

40 Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp, and for each day on which any such default occurs.

A.D. 1891. Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order, they shall be liable to such penalties as may, by such regulations and conditions be prescribed in that behalf.

Southwark.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court, having cognizance of the case, shall be of opinion that such default was caused by inevitable accident or force majeure, or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of
charging.

32. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1.) By the actual amount of energy so supplied; or,
- (2.) By the electrical quantity contained in such supply; or,
- (3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the county council and the local authority by what method they propose to charge for energy supplied through such main; and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement and, where the Undertakers have given any such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the county council and the local authority and to every consumer of energy who is supplied by them from such main.

Maximum
prices.

33. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved of by the Board of Trade such price as the Board of Trade shall, on approving such method, determine.

Provided, that if the county council, the local authority, or the Undertakers shall, at any time after the expiration of seven years from the 26th day of

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August, 1889, make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered, the Board of Trade, after such inquiry as they may think fit, may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the Order, as if they had been stated in the said schedule: Provided also, that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

34. Subject to the provisions of this Order and of the principal Act, and to the right of the customer to require that he shall be charged according to some one or other of the methods above mentioned, the Undertakers may make any agreement with a consumer as to the price to be charged for energy, and the mode in which such charges are to be ascertained, and may charge accordingly.

Other charges
by agreement.

35. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained, shall be settled by agreement between the local authority and the Undertakers, or in case of difference, by arbitration, regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district.

Price to
public lamps.

25 *Electric Inspectors.*

36. The county council, so long as they are not themselves the Undertakers for the purposes of this Order, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors, under this Order.

Appointment
of electric
inspectors.

30 If no electric inspector is appointed by the county council, or if the county council themselves become the Undertakers for the purposes of the Order, the Board of Trade, on the application of any consumer, or of the Undertakers, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

35 The duties of an electric inspector under this Order shall be as follows:—
(a.) The inspection and testing, periodically and in special cases, of the Undertakers' electric lines and works and the supply of energy given by them:
(b.) The certifying and examination of meters, and
40 (c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The county council, with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, may prescribe the manner in

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which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and such fees shall be accounted for and applied as may be directed by the county council or the Board of Trade as the case may be.

Remuneration
of electric
inspector.

37. The county council may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine, and such remuneration may be in addition to, or in substitution for, any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act according as the county council shall determine. 5 10

Inquiry by
Board of
Trade.

38. The Board of Trade may also if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works, or as to the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with, by the Undertakers, and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order. 15 20

Testing and Inspection.

Testing of
mains.

39. On the occasion of the testing of any main of the Undertakers, reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but, except under the provisions of a special order in that behalf made by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains. Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. Provided, also, that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade. 25 30 35

Testing of
works and
supply on
consumer's
premises.

40. An electric inspector, if and when required to do so by any consumer, shall, on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the 40

provisions of this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy. A.D. 1891.

Southwark.

41. The Undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost and keep in proper condition
 5 such reasonable number of testing stations as the county council shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such
 10 stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

If any dispute arises between the county council and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any
 15 excessive or improper use of energy for such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

42. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper
 20 instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record, and keep recorded such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence.

43. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at
 25 any testing station, or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed; and any readings so recorded shall be receivable in evidence.

30 44. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers, for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the same are not in order, he may require the Undertakers forthwith to have the
 35 same put in order.

45. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or
 40 inspection.

46. The Undertakers shall afford all facilities for the proper execution of this Order, with respect to inspection and testing and the readings, and inspection of instruments, and shall comply with all the requirements of or under this Order in that behalf; and in case the Undertakers make default in

A.D. 1891. complying with any of the provisions of this section, they shall be liable in
Southwark. respect of each default, to a penalty not exceeding five pounds, and to a daily
 penalty, not exceeding one pound.

Report of
 results of
 testing.

47. Every electric inspector shall, on the day immediately following that
 on which any testing has been completed by him under this Order, make and 5
 deliver a report of the results of his testing to the authority or person by
 whom he was required to make such testing, and to the Undertakers, and
 such report shall be receivable in evidence.

If the Undertakers or any such authority or person are or is dissatisfied
 with any report of any electric inspector, they or he may appeal to the 10
 Board of Trade against such report, and thereupon the Board of Trade shall
 inquire into and decide upon the matter of any such appeal, and their
 decision shall be final and binding on all parties.

Expenses of
 electric
 inspector.

48. Save as otherwise provided by this Order, or by any regulations under
 this Order, all fees and reasonable expenses of an electric inspector shall, 15
 unless agreed, be ascertained by a court of summary jurisdiction or (where
 the inspector is appointed by them) by the Board of Trade, and shall be paid
 by the Undertakers.

Provided that where the report of an electric inspector, or the decision of
 the Board of Trade, shows that any consumer was guilty of any default or 20
 negligence, such fees and expenses shall, on being ascertained as above
 mentioned, be paid by such consumer or consumers as the court or Board,
 having regard to such report or decision, shall direct, and may be recovered
 summarily as a civil debt.

Provided also, that in any proceedings for penalties under this Order any 25
 such fees and expenses incurred in connexion with such proceedings shall be
 payable by the complainant or defendant as the court shall direct.

Meters.

Meters to be
 used except by
 agreement.

49. The amount of energy supplied by the Undertakers to any ordinary
 consumer under this Order, or the electrical quantity contained in such supply 30
 (according to the method by which the Undertakers elect to charge), in this
 Order referred to as "the value of the supply," shall, except as otherwise
 agreed between such consumer and the Undertakers, be ascertained by
 means of an appropriate meter duly certified under the provisions of this
 Order. 35

Meter to be
 certified.

50. A meter shall be considered to be duly certified under the provisions
 of this Order if it be certified by an electric inspector appointed under this
 Order to be a correct meter and to be of some construction and pattern and
 to have been fixed and to have been connected with the service lines in some 40
 manner approved of by the Board of Trade, and every such meter is in this
 Order referred to as a "certified meter": Provided that where any alteration
 is made in any certified meter, or where any such meter is unfixed or discon-
 nected from the service lines, such meter shall cease to be a certified meter

unless and until it be again certified as a certified meter under the provisions of this Order. A.D. 1891.

Southwark.

51. Every electric inspector, on being required to do so by the Undertakers, or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value of the supply, and shall certify the same as a certified meter if he considers it entitled to be so certified. Inspector to certify meters.

52. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable hours and execute all necessary works and do all necessary acts; Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided. Undertakers to supply meters if required to do so.

53. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line, unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings. Meters not to be connected or disconnected without notice.

54. Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is to be ascertained, in proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter. Consumer to keep his meter in proper order.

The Undertakers shall have access to and be at liberty to take off, remove, test, inspect and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

55. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers, or in case of Power to the Undertakers to let meter.

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Undertakers to
keep meters let
for hire in
repair.

Differences as
to correctness
of meter to be
settled by
inspector.

Undertakers to
pay expenses
of providing
new meters
where method
of charge
altered.

Undertakers
may place
meters to
measure supply
or to check
measurement
thereof.

difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

56. The Undertakers shall, unless the agreement of hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times. Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

57. If any difference arises between any consumer and the Undertakers as to whether any meter, whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined upon the application of either party by an electric inspector or where the county council are the consumers, by an inspector to be appointed by the Board of Trade, who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid, the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

58. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the Undertakers change the method of charging for energy supplied by them from such main, the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

59. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum power taken by such consumer or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern, and shall be fixed and connected with the service lines in some manner approved by the Board of Trade, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Maps.

A.D. 1891.

Southwark.

Map of area of supply to be made and deposited.

60. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply, and shall cause to be marked thereon the line and the depth below the surface of all
 5 their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also, if so required by the Board of Trade or the Postmaster General, or the county council, cause to be made sections showing the level of all their existing
 10 mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the
 15 Undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid, such fee not exceeding one shilling for each inspection of such map, section, or copy,
 20 and such further fee not exceeding five shillings for each copy of the same, or any part thereof, taken by such applicant, as they may prescribe.

The Undertakers shall, if so required by the Board of Trade, or the Postmaster General, or the county council, or the local authority, supply to them or him a copy of any such map or section, and cause such copy to be duly
 25 corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections, they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not
 30 exceeding two pounds.

Transfer of Undertaking.

61. At any time after the commencement of this Order the Undertakers may with the consent of the local authority and the Board of Trade transfer the undertaking to a company duly constituted under the Companies Acts
 35 1862 to 1890 not having power to supply energy within the administrative county of London elsewhere than in the city of London upon such terms and conditions as may be approved by the Board of Trade.

Transfer of Undertaking.

Subject to the same terms and conditions the said company shall from and after the date on which the transfer is appointed to take effect be the Under-
 40 takers for the purposes of this Order without prejudice however to anything done or suffered prior to such date.

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Special Provisions in case of Transfer.

Southwark.
Application of
moneys re-
ceived by the
local autho-
rity as Under-
takers.

62. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect :—

- (A.) All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money, (b) money arising from the disposal of lands acquired for the purposes of this Order, and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order, shall be applied by them as follows :—
- (1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers, their officers or servants in relation to the undertaking. 5
 - (2.) In payment of the interest or dividend on any mortgages, stock, or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes. 10
 - (3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.
 - (4.) In payment of all other their expenses of executing this Order, not being expenses properly chargeable to capital. 20
 - (5.) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, and the resulting income thereof in Government securities, or in any other securities in which trustees are by law for the time being authorised to invest, other than stock or securities of the Undertakers, and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking, or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit, and so from time to time as often as such reduction happens. 25 30 35

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund, when amounting to the prescribed limit, to the credit of the local rate as defined by the principal Act, or, at their option, shall apply such surplus, or some part thereof, to the improvement of the district for which they are the local authority, or in reduction of the capital moneys borrowed for electricity purposes. 40

Provided always, that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking, the Undertakers shall make such a rateable reduction in 45

the charge for the supply of energy as, in their judgment, will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

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Southwark.

5 Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking
10 under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

(1.) In the reduction of the capital moneys borrowed by them for electricity purposes.

15 (2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

63. If the local authority become the Undertakers for the purposes of this Order, the following provisions shall have effect:—

Purchase and use of lands.

Subject to the provisions of this Order and the principal Act, the Undertakers may acquire by purchase or on lease and use any lands for the
20 purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section
25 which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres, except with the consent of the Board of Trade.

Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more
30 houses which, after the commencement of this Order, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages, hawkers,
35 costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

40 64. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act" shall mean this Order and the principal Act, and the "local authority" shall mean the
45 local authority as such Undertakers.

Incorporation of sections 264 and 265 of Public Health Act, 1875.

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*Notices, &c.**Southwark.*Notices, &c.,
may be
printed or
written.Service of
notices, &c.

65. Notices, orders, and other documents, under this Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the county council or the local authority, the signature thereof by the clerk or surveyor to the county council or the local authority shall be sufficient authentication. 5

66. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:— 10

- (a.) In the case of the Board of Trade, the office of the Board of Trade;
- (b.) In the case of the Postmaster-General, the General Post Office;
- (c.) In the case of the county council, the office of such council;
- (d.) In the case of any local authority, the office of such local authority;
- (e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company; 15
- (f.) In the case of a company having an office or offices, but no registered office, the principal office of that company;
- (g.) In the case of any other person, the usual or last known place of abode of such person. 20

A notice, order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description. 25

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can, with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises. 30

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order, and the execution of any works or the performance of any duty or act is less than seven days, the following days shall not be reckoned in the computation of such time, that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving. 35

*Purchase by Local Authority.*Purchase by
local authority.

67. In lieu of the period of forty-two years from the date mentioned in section 2 of the Electric Lighting Act, 1888, there shall be substituted for the purposes of this Order a period of forty-two years, from the twenty-sixth day of August, One thousand eight hundred and eighty-nine, and the other provisions of the said section shall apply accordingly. 40

A.D. 1891.

Revocation of Order.

Southwark.
Revocation
of Order where
Undertakers
are insolvent.

68. If at any time after the commencement of this Order, the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade may, after such inquiry as they may think necessary, and after considering any representations of the county council or the local authority, revoke this Order as to the whole, or with the consent of the Undertakers, as to any part of the area of supply.

69. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers and of the county council and of the local authority) as to any part of the area of supply.

Revocation
of Order where
undertaking
cannot be
carried on
with profit.

70. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers, the county council and the local authority upon such terms as the Board of Trade may think just.

Revocation of
Order with
consent.

71. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect :—

Provisions
where Order
revoked.

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the county council and the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine.

(b.) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them so much of the undertaking or such part thereof as aforesaid as is within the district of the local authority upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act.

(c.) Where any purchase is so effected, the undertaking, or part thereof so purchased, shall vest in the local authority, freed from any debts,

A.D. 1891.

Southwark.

mortgages, or similar obligations of the Undertakers or attaching to the undertaking; and the revocation of this Order, as to the whole of the area of supply, or such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obligations of the Undertakers from whom the undertaking, or such part thereof as 5 aforesaid, is purchased in relation to the supply of energy within such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority, by whom such undertaking or part thereof is purchased as aforesaid. 10

(*cl.*) Where no purchase has been effected under the preceding provisions of this section, the local authority, and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed, may (subject however to any agreement between the local authority or such body or person and the 15 Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care, and the Undertakers shall pay to the local authority, or other such body or person as aforesaid, such reasonable costs of such removal, and of the reinstatement of such street or part of a street as may be specified in 20 a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them), as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within 25 one month after the service upon them of such notice, or the delivery of the award of the arbitrator (as the case may be), the local authority, or other such body or person as aforesaid may, without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose 30 of any such works as aforesaid, either by public auction or private sale, and for such sum or sums, and to such person or persons, as they may think fit; and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid, and of the costs of sale, and the balance (if any) of the proceeds of the 35 sale shall be paid over by them to the Undertakers.

(*e.*) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers by this Order granted 40 to the Undertakers, or for any expenses to which such local authority, body, or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the 45 provisions of this Order in respect of such area or part thereof, and which

may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims, and the persons to whom it is to be paid, shall be determined by an arbitrator, to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

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—
Southwark.

General.

72. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth in contravention of this Order; or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety, or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

25 The Board of Trade may also, if they think fit, by the same or any other order made upon any such representation as aforesaid, forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with, or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

Remedying of
system and
works.

If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

73. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking and for the time being in force, shall within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and true copies thereof, certified by or on behalf of the Undertakers, shall be forthwith served upon the county council and the local authority, and like copies shall also be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

Publication of
regulations.

A.D. 1891. If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

Southwark.

Nature and amount of security.

74. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default of agreement may be determined on the application of either party, by a court of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before him shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of Board of Trade.

75. All things required or authorised under this Order to be done by, to, or before the Board of Trade may be done by, to, or before the President or a secretary or an assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the act so certified.

Approval or consent of Board of Trade.

76. Where this Order provides for any consent or approval of the Board of Trade, the Board may give such consent or approval subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit.

All costs and expenses of or incident to any approval, consent, certificate, or order of the Board of Trade, or of any inspector or person appointed by the Board of Trade, including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made, to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same as they may think fit, to be prepared and deposited at their office at the expense of the said applicant or applicants, and may, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary.

Notice of approval of Board of Trade, &c., to be given by advertisement.

77. Where the Board of Trade, upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or where the Board of Trade, upon the application of the county council, the local authority, or the Under-

takers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

A.D. 1891.

Southwark.

78. Where any application is made to the Board of Trade, to extend any time limited for the performance of any duties by the Undertakers, notice of such application shall be served on the county council and the local authority by the Undertakers, and an opportunity shall be given to the local authority and the county council to make representations or objections with reference thereto.

Notice of application for extension of time, &c. to be given to local authority and the county council.

79. All penalties, fees, expenses, and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Recovery and application of penalties.

Any penalty recovered on prosecution by an officer of the county council shall, if there is an electric inspector for the time being appointed by the county council, be paid to such officer and by him to the county council, and shall be carried to the county fund.

Any penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court shall so direct, be paid to such body or person.

Save as aforesaid all other penalties recovered summarily under this Order shall be applied according to the law regulating the application of penalties so recovered within the metropolitan police district.

80. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

Undertakers to be responsible for all damages.

81. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

As to mortgages.

A.D. 1891.

Southwark.

Saving
clause for
Postmaster-
General.

82. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

5

Saving for
embankments,
&c., of the
county
council.

83. Nothing in this Order shall authorise the Undertakers to break up or otherwise interfere with any embankment, park, or open space for the time being vested in the county council or the local authority, except so far as any part of such embankment, park, or open space forms part of a street, or to interfere with or make use of any tunnel, sewer, or subway so vested, except with the consent in writing of such council or authority, and subject to such terms and conditions as they may impose.

10

Saving as
to River
Thames.

84. Nothing in this Order shall authorise the Undertakers to interfere in any manner with the bed or shore of the River Thames, or the navigation thereof, or affect in any manner the rights, powers, or privileges of the Conservators of the River Thames.

15

Undertakers
not exempted
from proceed-
ings for
nuisance.

85. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them.

Provisions as
to general
Acts.

86. Nothing in this Order shall exempt the Undertakers or their under- taking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity, or to the supply of or price to be charged for energy, which may be passed after the commencement of this Order.

20

SCHEDULES.

A.D. 1891.

Southwark.

FIRST SCHEDULE.

Area of supply:—

The whole of the District of the St. Saviour's District Board of Works in
5 the Administrative County of London.

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order:—

10 So much of the following streets or parts of streets as lies within the area of supply:—

Blackfriars Road (north of Southwark Street).
Southwark Street (west of Holland Street).
Holland Street.

15

THIRD SCHEDULE.

List of streets, railways, and tramways, not repairable by the local authority, which may be broken up by the Undertakers in pursuance of the special powers granted by this Order:—

(a.) *Streets.*

20 So much of the following streets and places not repairable by the local authority as is within the area of supply.

King's Head Inn Yard.	Nelson Place Gravel Lane.
White Hart Inn Yard.	Paradise Place Gravel Lane.
Three Cranes Court.	Burrows' Mews Blackfriars Road.
25 George Inn Yard.	Montagu Close.
Tabard Inn Yard.	Winchester Yard.
Queen's Head Yard.	Borough Market.
Three Tuns Court.	Horse Shoe Alley Bankside.
Spur Inn Yard.	Running Horses Yard.
30 Nag's Head Inn Yard.	Henley Square.
Nelson Square Blackfriars Road.	Thornton Grove.
Townsend Yard Union Street.	Wagstaff Buildings.
Victoria Place Union Street.	Zoar Street.
Williams Place Union Street.	Russell Place.
35 South Street Union Street.	Hatfield Place.
Suffolk Grove Union Street.	Brunswick Court

A.D. 1891.

Southwark.(b.) *Railways.*

None.

(c.) *Tramways.*

The South London Tramways.

The London Tramways.

5

 FOURTH SCHEDULE.

In this schedule—

The expression “unit” shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

10

Section 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter :—For any amount up to twenty units, thirteen shillings and fourpence ; and for each unit over twenty units, eightpence.

15

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

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WANDSWORTH DISTRICT ELECTRIC LIGHTING.

A.D. 1891.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 and 1888 to the Stamford Hill Tottenham and Edmonton Electric Light and Power Supply Limited in respect of the district of the Wandsworth District Board of Works in the county of London.

Wandsworth District.

Preliminary.

1. This Order may be cited as the Wandsworth District Electric Lighting Order 1891. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order— Interpretation.

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882:

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied:

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street subway or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

The expression "general supply" shall mean the general supply of energy to ordinary consumers and unless otherwise specially agreed with the local authority to the public lamps^a but shall not include the supply of energy to any one or more particular consumers under special agreement:

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order:

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Q

A.D. 1891.
 ———
Wandsworth
District.

The expression "subway" shall mean any passage or covered way under the surface of a street constructed for the reception of pipes or wires :

The expression "county council" shall mean the London County Council and the provisions of this Order in which the county council is expressly mentioned shall be construed without derogation to the powers duties 5 and liabilities of that council as local authority under this Order and the principal Act :

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers :

The expression "consumer's terminals" shall mean the ends of the electric 10 lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines :

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be 15 injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected :

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined :

The expression "tramway" shall mean any tramway laid along any street. 20

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof :

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively : 25

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade :

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 88 feet and where possible a section drawn to the same 30 horizontal scale as the plan and to a vertical scale of at least one inch to 11 feet with such detail plan and sections as may be necessary.

Commence-
 ment of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." 35

Address and Description of the Undertakers.

Address and
 description of
 Undertakers.

4. The Undertakers for the purposes of this Order are the Stamford Hill, Tottenham, and Edmonton Electric Light and Power Supply Limited being a company registered under the Companies Acts 1862 to 1886 with limited liability and having its registered offices at 5 Victoria Street in the 40 city of Westminster.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order or of the principal Act such local authority shall from the date of such

purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

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Wandsworth
District.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license Provisional Order or special Act within the administrative county of London unless the Undertakers are authorised by Parliament to do so.

If in contravention of this section the Undertakers purchase or acquire any such undertaking or associate themselves with such other company or person the Board of Trade may if they think fit revoke this Order upon such terms as they may think just.

Area of Supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red.

Area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament or under a license granted by the Board of Trade under the principal Act.

Prohibition of
supply beyond
area of supply

If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

7. The Undertakers within a period of six months after the commencement of this Order and before exercising any of the powers by this Order conferred on them in relation to the execution of works shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

Security for
execution of
works.

The Undertakers shall also within six months after the commencement of this Order or such extended period as may be approved by the Board of Trade and before exercising any of the powers conferred on them in relation to the execution of works deposit or secure to the satisfaction of the Board of Trade a sum of one thousand pounds.

If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned or fail to deposit or secure such sum as aforesaid the Board of Trade may after considering any representations which the county council or the local authority may make revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as they may think just.

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*Wandsworth
District.*

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties when and so soon as it may be certified by an inspector to be appointed by the Board of Trade that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street or part of a street specified in that behalf in the Second Schedule or at such earlier dates and by such instalments as may be approved by the Board of Trade. 5

Separate
accounts to be
kept of under-
taking.

8, The Undertakers shall except with the special approval of the Board of Trade to be previously given (after consideration of any representations which the county council and the local authority may make) at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business. 10 15

Audit of
Undertakers'
accounts.

9. The annual statement of accounts of the undertaking before being published as provided by section nine of the Electric Lighting Act 1882 shall so long as the local authority are not the Undertakers be examined and audited by such competent and impartial person as the Board of Trade shall appoint and the remuneration of the auditor shall be such as the Board of Trade shall direct and the same and all expenses incurred by him in or about the execution of his duties to such an amount as the Board of Trade shall approve shall be paid by the Undertakers on demand and shall be recoverable summarily as a civil debt. 20

The Undertakers shall give to the auditor his clerks and assistants access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit and shall when required furnish to him and them all vouchers and information requisite for such purpose and shall afford to him and them all facilities for the proper execution of his and their duty. 25 30

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted or otherwise for the purpose of giving effect to the provisions of this section.

Any report made by the auditor or such portion thereof as the Board of Trade shall direct shall be appended to the annual statement of accounts and shall form part thereof for the purposes of the said section nine. 35

Nature and Mode of Supply.

Systems and
mode of supply.

10. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided as follows:— 40

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for ensuring a proper and sufficient supply of energy as the Board of Trade may impose; and 45

(2.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions (if any) of such approval.

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Wandsworth
District.

11. The Undertakers shall not without the express consent of the county council and of the Board of Trade place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply.

Prohibition of
overhead wires.

Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except as above in this section mentioned) they shall be removed by the Undertakers within a period of one year after such commencement.

If the Undertakers place or fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit.

Works.

12. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use. Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Powers for
execution of
works.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section thirteen of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

13. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with

Street boxes.

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Wandsworth
District.

the supply of energy including apparatus for the proper ventilation of such boxes. Provided that no such box or apparatus shall be placed above ground except with the consent of the local authority body or person by whom such street is repairable.

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

The local authority or (if the street is repairable by them) the county council may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such boxes and if the Undertakers during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority or county council as the case may be they shall be liable to a penalty not exceeding five pounds for every such offence and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Notice of works
 with plan to be
 served on the
 Postmaster-
 General
 local authority
 and county
 council.

14. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect:—

(a.) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General the local authority and the county council describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge or any sewer drain or tunnel therein or thereunder is to be interfered with and shall upon being required to do so by the Postmaster-General or the local authority or the county council give to him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month no part of the month of August shall be included.

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*Wandsworth
District.*

- 5 (b.) The Postmaster-General or the local authority or the county council may in his or their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers.
- 10 (c.) Where the Postmaster-General the local authority or the county council approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same.
- 15 (d.) If the Postmaster-General the local authority or the county council fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them he or they shall be deemed to have approved such works and plan.
- 20 (e.) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General the local authority and the county council or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and of the principal Act.
- 25 (f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority and the county council for any loss or damage which he or they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds :
30 Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.
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40 Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy.

A.D. 1891.

*Wandsworth
District.*As to streets
not repairable
by local autho-
rity or county
council railways
tramways and
canals.

15. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or the county council or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the 5 parties interested—

- (a.) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under 10 this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be) in this section referred to as the “owners” describing the proposed works together with a plan of the 15 works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.
- (b.) Every such notice shall contain a reference to this section and direct 20 the attention of the owners to whom it is given to the provisions thereof.
- (c.) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon 25 such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.
- (d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in 30 respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible.
- (e.) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served 35 upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and 40 position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties. 45

(f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works. A.D. 1891.
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Wandsworth District.

5 (g.) Where the repair renewal or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than 24 hours notice before commencing to effect such
10 repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the
15 principal Act.

(h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners
20 affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that
25 the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

16. Any body or person for the time being liable to repair any street or part of a street or liable to repair any sewer subway or work or entitled
30 to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets
35 bridges sewers drains subways tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served. Where any such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers
40 and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested.

(a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where
45 they have required the givers of the notice to exercise or discharge such

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- powers or duties and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided or in cases of emergency.
- (b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged. 5 10
- (c.) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable. 15
- (d.) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice. 20
- (e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice. 25 30
- (f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provision of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds 35 Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 40
- (g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily.
- (h.) The givers of the notice may if they think fit require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as 45

may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so or in case of difference after such difference has been determined by a court of summary jurisdiction they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

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Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains subways tunnels or other works or railway or tramway as in this section mentioned.

17. The Undertakers may alter the position of any pipes (not forming part of any sewer of the county council or the local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested:—

As to alteration
of pipes wires
&c. under
streets.

(a.) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as "the operators" shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as "the owners" describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(b.) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(c.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible.

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- (*d.*) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or 5 securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as 10 may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.
- (*e.*) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves 15 and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided. 20
- (*f.*) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in 25 which such alterations are required to be made.
- (*g.*) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be 30 applicable.
- (*h.*) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such 35 statement as aforesaid had been served upon them.
- (*i.*) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily.
- (*j.*) Any owners may if they think fit by any statement served by them 40 under this section upon any operators not being the county council or a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where any operators have been so 45 required to give security they shall not be entitled to serve a notification

upon the owners requiring them to execute such alterations until such security has been duly given. A.D 1891.

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(k.) If the operators made default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

15 18. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer drain watercourse defence or work under the jurisdiction or control of the county council or of the local authority or any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as the "operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to the county council or the local authority or to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as the "owners" not less than fourteen days' notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer drain watercourse defence pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owners thereof repair any damage that may be done thereto.

Laying electric lines, &c., near sewers, &c., or gas or water pipes or other electric lines.

Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

The owners upon giving notice to the Undertakers during the fourteen days herein-before referred to of their desire to execute any work to which the provisions of this section apply may themselves execute the same and in case they give such notice they shall execute such work with due care and diligence and shall be subject to the like restrictions and conditions as the operators would themselves be subject to in respect of the same and the

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reasonable costs of executing such works shall be repaid by the operators to the owners: Provided always that the provisions of this paragraph shall not apply so long as any like notice from the county council the local authority or other body or person under the provision of the section of this Order whereof the marginal note is "Street authority &c. may give notice of 5 desire to break up streets &c., on behalf of undertakers" remains in force:

Provided always that when the Undertakers or any gas company desire to lay a service pipe or line to a house or premises already connected by a service pipe or line with the works of the gas company or the Undertakers as the case may be, forty-eight hours' notice shall be given by the Under- 10 takers or the gas company as the case may be to the other of them and in that case the provisions of this section so far as applicable shall then apply to such service pipes or lines accordingly.

Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas 15 electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or 20 services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements 25 or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to 30 any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the sewer drain watercourse 35 defence pipe electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company" shall mean any body or person lawfully supplying water or water power and 40 the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

For protection
of railway and
canal com-
panies.

19. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal 45

company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

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District.*For protection
of telegraphic
and telephonic
wires.

20.—(1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of
5 all descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying
10 down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the
15 current therein is or is not injuriously affected thereby such question shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers may direct the Undertakers to make any
20 alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic
25 or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric
30 line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be
35 therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection; and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

40 If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of
45 such electric line and the amount and nature of the current transmitted thereby are not altered.

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(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

Provision as
to subways.

21. Where the Undertakers desire to lay or may be required to lay any electric line in any street under the surface of which there is a subway and the county council or local authority (as the case may be) in whom such subway is vested serve a notice upon them requiring them to lay the same in the subway then notwithstanding anything in any special or general Act of Parliament contained the powers conferred by this Order and the principal Act with respect to the breaking up and interfering with streets shall not be exercised by the Undertakers as to such streets in so far as the subway extends under the surface thereof and any electric line to which this section applies shall be laid in the subway in such manner and position as the county council or local authority shall direct or approve.

Where any electric line of the Undertakers shall be so laid under the provisions of this section they shall pay to the county council or local authority in whom the subway is vested such reasonable rent for the use thereof as may be settled by agreement or in the case of difference by arbitration: Provided that the Undertakers shall have access to such subway at all such reasonable times and subject to such conditions as may be settled in like manner.

*Compulsory Works.*Mains &c. to be
laid down in
streets specified
in Second
Schedule and
in remainder of
area of supply.

22.—(1.) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule and shall thereafter maintain the same.

(2.) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street

within the area of supply upon being required to do so in manner by this Order provided. A.D. 1891.

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All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority company or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

23. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer and not for the purposes of general supply the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid a notice stating that the Undertakers intend to lay such electric line and setting forth the effect of this section and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer. As to laying
of electric line
under special
agreement.

24. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may after considering any representations of the county council or the local authority revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply or if the Undertakers so desire may after having given an opportunity to the county council and the local authority to make representations and objections with reference thereto suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order. If Undertakers
fail to lay down
mains &c.
Order may be
revoked.

25. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by two or more owners or occupiers of premises along Manner in
which requisition
is to be
made.

A.D. 1891. such street or part of a street or where the local authority has the control
Wandsworth and management of the public lamps in such street or part of a street by the
District. local authority.

Every such requisition shall be signed by the persons making the same or
 by the local authority (as the case may be) and shall be served upon the 5
 Undertakers.

Forms of requisition shall be kept by the Undertakers at their office and
 a copy shall be supplied free of charge to any owner or occupier of premises
 within the area of supply and to the local authority on application for the
 same and any requisition so supplied shall be deemed valid in point of 10
 form.

Provisions on
 requisition by
 owners or
 occupiers.

26. Where any such requisition is made by any such owners or occupiers
 as aforesaid the Undertakers (if they think fit) may within fourteen days after
 the service of the requisition upon them serve a notice on all the persons by 15
 whom the requisition is signed stating that they decline to be bound by such
 requisition unless such persons or some of them will bind themselves to take
 or will guarantee that there shall be taken a supply of energy for two years
 of such amount in the aggregate (to be specified by the Undertakers in such
 notice) as will at the rates of charge for the time being charged by the
 Undertakers for a supply of energy from distributing mains to ordinary 20
 consumers within the area of supply produce annually such reasonable sum
 as shall be specified by the Undertakers in such notice: Provided that in
 such notice the Undertakers shall not without the authority of the Board of
 Trade specify any sum exceeding twenty per centum upon the expense of
 providing and laying down the required distributing mains and any other mains 25
 or additions to existing mains which may be necessary for the purpose of
 connecting such distributing mains with the nearest available source of
 supply.

Where such notice is served the requisition shall not be binding on the
 Undertakers unless within fourteen days after the service of such notice on 30
 all the persons signing the requisition has been effected or in case of difference
 the delivery of the arbitrator's award there be tendered to the Undertakers an
 agreement severally executed by such persons or some of them binding them
 to take or guaranteeing that there shall be taken for a period of two years
 at the least such specified amounts of energy respectively as will in the 35
 aggregate at the rates of charge above specified produce an annual sum
 amounting to the sum specified in the notice or determined by arbitration
 under this section nor unless sufficient security for the payment to the
 Undertakers of all moneys which may become due to them from such persons
 under such agreement is offered to the Undertakers (if required by them by 40
 such notice as aforesaid) within the period limited for the tender of the
 agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that
 under the circumstances of the case the provisions of this section ought to be 45
 varied they may within fourteen days after the service of the requisition

upon them appeal to the Board of Trade who after such inquiry if any as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than two years and to specify such sum or per-centage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly. In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

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Wandsworth District.

If any difference arises between the Undertakers and any person signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

27. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected or within fourteen days thereafter there be tendered to the Undertakers (if required by them) an agreement executed by the local authority and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Provisions on requisition by local authority.

Supply.

28. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following (that is to say)

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier.

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Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fails to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues.

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

Maximum
power.

29. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied

with not exceeding what may be reasonably anticipated as the maximum consumption on his premises. Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon

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Wandsworth District.

5 one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt.

10 If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

30. The Undertakers upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order or any regulations and conditions subject to which they are authorised to supply energy under this

20 Order shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Supply of energy to public lamps.

31. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty

25 shillings in respect of every such default for each day on which any such default occurs.

Penalty for failure to supply.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect

30 of every such default for each such lamp and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such

35 penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for

40 any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

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Price.

*Wandsworth
District.*
Methods of
charging.

32. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1.) By the actual amount of energy so supplied or
- (2.) By the electrical quantity contained in such supply or 5
- (3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their 10 option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall 15 give notice to the county council and the local authority by what method they propose to charge for energy supplied through such main and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except 20 after one month's notice of such change has been given by them to the county council and the local authority and to every consumer of energy who is supplied by them from such main.

Maximum
prices.

33. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in 25 the first and second sections thereof respectively or in the case of a method of charge approved by the Board of Trade such price as the Board shall on approving such method determine.

Provided that if the county council the local authority or the Undertakers shall at any time after the expiration of seven years from the twenty-sixth 30 day of August one thousand eight hundred and eighty-nine make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered the Board of Trade after such inquiry as they may think fit may make an order varying the prices or methods of charge stated in the said schedule 35 or so approved as aforesaid or substituting other prices or methods of charge in lieu thereof and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order as if they had been stated in the said schedule Provided also that the prices and methods of charge for the time being in force may be altered in like 40 manner at any time after the expiration of any or every period of seven years after the same were last altered.

Other charges
by agreement.

34. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to

some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

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—
*Wandsworth
District.*

- 5 35. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps and the mode in which such charges shall be ascertained shall be settled by agreement between the local authority and the Undertakers or in case of difference by arbitration regard being had to the circumstances of the case and the distributing or other mains (if any)
10 which may have to be laid for the purpose and the prices charged to ordinary consumers in the district.

Price to public
lamps.

Electric Inspectors.

36. The county council so long as they are not themselves the Undertakers for the purposes of this Order may appoint and keep appointed one or
15 more competent and impartial person or persons to be electric inspectors under this Order.

Appointment
of electric
inspectors.

- If no electric inspector is appointed by the county council or if the county council themselves become the Undertakers for the purposes of this Order the Board of Trade on the application of any consumer or of the Undertakers
20 may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

- (a.) The inspection and testing periodically and in special cases of the Undertakers electric lines and works and the supply of energy given by
25 them ;
(b.) The certifying and examination of meters ; and
(c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this
Order.

- 30 The county council with the approval of the Board of Trade or the Board of Trade if the inspector is appointed by them may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector and also the fees to be taken by him and such fees shall be accounted for and applied as may be directed by the county council
35 or the Board of Trade as the case may be.

37. The county council may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine and such remuneration may be in addition to or in substitution for any fees directed to be paid to electric inspectors in respect of their
40 duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act according as the county council shall determine.

Remuneration
of electric
inspectors.

38. The Board of Trade may also if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the

Inquiry by
Board of Trade.

A.D. 1891. cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order. 5

Wandsworth
District.

Testing and Inspection.

Testing of
mains.

39. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade. 10 15 20

Testing of
works and
supply on
consumer's
premises.

40. An electric inspector if and when required to do so by any consumer shall on payment by the consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy. 25 30

Undertakers to
establish test-
ing stations.

41. The Undertakers shall at such places within a reasonable distance from a distributing main establish at their own cost and keep in proper condition such reasonable number of testing stations as the county council shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade and shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing. 35 40

If any dispute arises between the county council and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive or as to any excessive or improper use of energy for such testing or as to the performance

by the Undertakers of their duties under this section such dispute shall be determined by arbitration. A.D. 1891.

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District.*

Undertakers to
keep instru-
ments on their
premises.

42. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper
5 instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence.

10 42. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority
15 by whom he is appointed and any readings so recorded shall be receivable in evidence

Readings of
instruments to
be taken.

44. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the
20 same are not in order he may require the Undertakers forthwith to have the same put in order.

Electric in-
spector may
test Under-
takers'
instruments.

45. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or
25 other agent but such officer or agent shall not interfere with the testing or inspection.

Representation
of Undertakers
at testings.

46. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or
30 under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

Undertakers to
give facilities
for testing.

47. Every electric inspector shall on the day immediately following that
35 on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing and to the Undertakers and such report shall be receivable in evidence.

Report of
results of
testing.

40 If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties.

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*Wandsworth
District.*Expenses of
electric
inspector.

48. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade and shall be paid by the Undertakers.

5

Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the court or board having regard to such report or decision shall direct and may be recovered summarily as a civil debt.

10

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

Meters.

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Meters to be
used except by
agreement.

49. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

20

Meter to be
certified.

50. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter": Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

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30

Inspector to
certify meters.

51. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

35

Undertakers to
supply meters
if required to
do so.

52. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable

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hours and execute all necessary works and do all necessary acts provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefore or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

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District.*

53. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Meters not to
be connected
or disconnected
without notice.

54. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

Consumer to
keep his meter
in proper order.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers.

55. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Power to the
Undertakers to
let meter.

56. The Undertakers shall unless the agreement of hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Undertakers to
keep meter let
for hire in
repair.

57. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order

Differences as
to correctness
of meter to be
settled by in-
spectors.

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District.*

for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector or where the county council are the consumers by an inspector to be appointed by the Board of Trade who shall also order by which of the parties the costs of and 5 incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Undertakers to
pay expenses
of providing
new meters
where method
of charge
altered.

58. Where any consumer who is supplied with energy by the Undertakers 10 from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of 15 the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers
may place
meters to
measure supply
or to check
measurement
thereof.

59. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may 20 place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply: Provided that such meter 25 or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals. 30

Maps.

Map of area of
supply to be
made and
deposited.

60. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and 35 street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also if so required by the Board of Trade or the Postmaster-General or the county council cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall 40 be made on such scale or scales as the Board of Trade shall prescribe.

Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall

at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or
 5 copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

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District.

The Undertakers shall if so required by the Board of Trade or the Postmaster-General or the county council or the local authority supply to them or him a copy of any such map or section and cause such copy to be duly
 10 corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not
 15 exceeding two pounds.

Special Provisions in case of Transfer.

61. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

Application of
moneys re-
ceived by
local authority
as Undertakers.

(A.) All moneys received by the Undertakers in respect of the undertaking
 20 except (a) borrowed money (b) money arising from the disposal of lands acquired for the purposes of this Order and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:

(1.) In payment of the working and establishment expenses and cost
 25 of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers their officers or servants in relation to the undertaking.

(2.) In payment of the interest or dividend on any mortgages stock or
 30 other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes.

(3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.

(4.) In payment of all other their expenses of executing this Order not
 35 being expenses properly chargeable to capital.

(5.) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stocks or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking which fund shall be applic-
 40 able to answer any deficiency at any time happening in the income

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District.*

of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens. 5

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or any part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes. 10

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority. 15

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate. 20

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:— 25

(1.) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Purchase and
use of lands.

62. If the local authority become the Undertakers for the purposes of this Order the following provision shall have effect:— 30

Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade. 35 40

Provided also that the Undertakers shall not except with the consent of the Local Government Board take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the 15th day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. 45

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family
 5 and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

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District.

63. If the local authority become the Undertakers for the purposes of this Order the provisions of sections two hundred and sixty-four and two hundred
 10 and sixty-five of the Public Health Act 1875 shall be incorporated with this Order and in the construction of the said provisions "this Act" shall mean this Order and the principal Act and the "local authority" shall mean the local authority as such Undertakers.

Incorporation
of sections 264
and 265 of
Public Health
Act, 1875.*Notices &c.*

15 64. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the county council or the local authority the signature thereof by their clerk or surveyor to the county council or local authority shall be sufficient authentication.

Notices &c.
may be printed
or written.

20 65. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively:—

Service of
notices &c.

- (a.) In the case of the Board of Trade the office of the Board of Trade;
 25 (b.) In the case of the Postmaster-General the General Post Office;
 (c.) In the case of the county council the office of such council;
 (d.) In the case of any local authority the office of such local authority;
 (e.) In the case of the Undertakers or any other company having a registered office the registered office of the Undertakers or such company;
 30 (f.) In the case of a company having an office or offices but no registered office the principal office of that company;
 (g.) In the case of any other person the usual or last known place of abode of such person.

A notice order or document by this Order required or authorised to be
 35 served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice order or document by this Order required or authorised to be
 40 served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises.

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Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time that is to say Sunday Christmas 5 Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

*Purchase by Local Authority.*Purchase by
local authority.

66. In lieu of the period of forty-two years from the date mentioned in section 2 of the Electric Lighting Act 1888 there shall be substituted for the purposes of this Order a period of forty-two years from the twenty-sixth day of August one thousand eight hundred and eighty-nine and the other provisions of the said section shall apply accordingly. 10

Revocation of Order.

15

Revocation of
order where
Undertakers
are insolvent.

67. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order and that such default is in consequence of the insolvency of the Undertakers and that by reason of such insolvency the Undertakers are 20 unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order the Board of Trade may after such inquiry as they may think necessary and after considering any representations of the county council or the local authority revoke this Order as to the whole or with the consent of the Undertakers as to any part of the area of supply. 25

Revocation of
Order where
undertaking
cannot be
carried on with
profit.

68. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit and ought to be abandoned the Board of Trade shall inquire into the truth of such representation and if upon such inquiry they are satisfied of the truth of such representation they may if in their discretion they think 30 fit revoke this Order as to the whole or (with the consent of the Undertakers and of the county council and the local authority) as to any part of the area of supply.

Revocation of
Order with
consent.

69. In addition to any other powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and 35 concurrence of the Undertakers the county council and the local authority upon such terms as the Board of Trade may think just.

Provisions
where Order
revoked.

70. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply under any of the provisions of this Order the following provisions shall have effect:— 40

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the county council and the local authority and shall in such notice fix a date at which such revocation shall take effect

and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine.

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District.

(b.) Within two months after the service of such notice by the Board of Trade upon the local authority the local authority if they think fit may by notice in writing require the Undertakers to sell and thereupon the Undertakers shall sell to them so much of the undertaking or such part thereof as aforesaid as is within the district of the local authority upon terms of paying the then value of all land buildings works materials and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid such value being agreed or estimated in manner directed by the Electric Lighting Act 1888 in the case of purchases effected by the local authority under section two of that Act.

(c.) Where any purchase is so effected the Undertaking or part thereof so purchased shall vest in the local authority freed from any debts mortgages or similar obligations of the Undertakers or attaching to the undertaking and the revocation of this Order as to the whole of the area of supply or such part thereof as aforesaid shall extend only to the revocation of the rights powers authorities duties and obligations of the Undertakers from whom the undertaking or such part thereof as aforesaid is purchased in relation to the supply of energy within such area or part thereof and save as aforesaid this Order shall remain in full force within such area or part thereof in favour of the local authority by whom such undertaking or part thereof is purchased as aforesaid.

(d.) Where no purchase has been effected under the preceding provisions of this section the local authority and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care and the Undertakers shall pay to the local authority or other such body or person as aforesaid such reasonable costs of such removal and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person or (if so required by the Undertakers within one week after the service of such notice upon them) as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator (as the case may be) the local authority or other such body or person as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such

A D. 1891.

*Wandsworth
District.*

sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

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(e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area or part thereof as aforesaid or the exercise of any powers by this Order granted to the Undertakers or for any expenses to which such local authority body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof and which may not have been repaid or released to the Undertakers and such money shall be applied rateably in satisfying such claims and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid shall be determined by an arbitrator to be appointed by the Board of Trade whose decision shall be final and binding on all parties.

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General.

Remedying of
system and
works.

71. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or have permitted any part of their circuits to be connected with earth in contravention of this Order or (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

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The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the

use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues. A.D. 1891.

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*Wandsworth
District.*

If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade and fail to comply with any order made under this section in respect thereof within the period limited in that behalf the Board of Trade may if they think fit revoke this Order upon such terms as they may think fit.

72. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and true copies thereof certified by or on behalf of the Undertakers shall be forthwith served upon the county council and the local authority and like copies shall also be kept by the Undertakers at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy. Publication of
regulations.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

73. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties. Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands. Nature and
amount of
security.

74. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or assistant secretary of the Board. Proceedings of
Board of Trade.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the act so certified.

75. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit. Approval or
consent of
Board of Trade.

A.D. 1891. All costs and expenses of or incident to any approval consent certificate or order of the Board of Trade or of any inspector or person appointed by the Board of Trade including the costs of any inquiry or tests for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor. Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

Notice of approval of Board of Trade &c. to be given by advertisement.

76. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or where the Board of Trade upon the application of the county council or the local authority or the Undertakers revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

Notice of application for extension of time &c. to be given to local authority and county council.

77. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers notice of such application shall be served on the county council and the local authority by the Undertakers and an opportunity shall be given to the county council and the local authority to make representations or objections with reference thereto.

Recovery and application of penalties.

78. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Any penalty recovered on prosecution by an officer of the county council shall if there is an electric inspector for the time being appointed by the county council be paid to such officer and by him to the county council and shall be carried to the county fund.

Any penalty recovered on prosecution by any other body or person or any part thereof may if the court shall so direct be paid to such body or person.

Save as aforesaid all penalties recovered summarily under this Order shall be applied according to the law regulating the application of penalties so recovered within the Metropolitan Police district.

Undertakers to be responsible for all damages.

79. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works and shall save harmless all authorities bodies and persons

by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

A.D. 1891.

*Wandsworth
District.*

80. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage. Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking or any part thereof under section two of the Electric Lighting Act 1888 or under this Order and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being sold or transferred as aforesaid and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

As to
mortgages.

81. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1885 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving clause
for Postmaster-
General.

82. Nothing in this Order shall authorise the Undertakers to break up or otherwise interfere with any embankment park or open space for the time being vested in the county council or the local authority except so far as any part of such embankment park or open space forms part of a street or to interfere with or make use of any tunnel sewer or subway so vested except with the consent in writing of such council or authority and subject to such terms and conditions as they may impose.

Saving for
embankment
&c. of county
council.

83. Nothing in this Order shall authorise the Undertakers to interfere in any manner with the bed or shore of the River Thames or the navigation thereof or affect in any manner the rights powers or privileges of the conservators of the River Thames.

For protection
of conservators
of River
Thames.

84. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused by them.

Undertakers
not exempted
from pro-
ceedings for
nuisance.

85. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any General Act relating to electricity or the supply of or price to be charged for energy which may be passed after the commencement of this Order.

Provision as
to General
Acts.

A.D. 1891.

*Wandsworth
District.*SCHEDULES.FIRST SCHEDULE.*Area of Supply.*

The parish of Putney (with the exception of the detached portion) including Roehampton and so much of the western portion of the parish of Wandsworth as lies between the London and South-Western Railway on the north the parish of Putney on the west the boundary of the parish of Wandsworth on the south and the following roads on the east viz. Wimbledon Park Road Merton Road and Putney Bridge Road (including the houses on both sides of the said roads) excluding the bridges over the Thames vested in the county council. 5 10

Provided that in case of difference between the above description and the area delineated upon the deposited map the latter shall prevail.

SECOND SCHEDULE.

List of Streets and Parts of Streets throughout which the Undertakers are to lay distributing Mains within a period of two years after the commencement of this Order. 15

Putney Hill Putney Bridge Road (from its junction with College Street to its termination at High Street Putney) High Street Putney Upper Richmond Road (from West Hill to Marlborough Road) St. John's Road Carlton Road Burston Road Ravenna Road Dealtry Road Colinette Road Marlborough Road Oakhill Road (to Galveston Road) Schubert Road Galveston Road. 20

THIRD SCHEDULE.

List of Streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order. 25

(a.) *Streets :—*

None.

(b.) *Railways :—*

None.

(c.) *Tramways :—*

The South London Tramways.

FOURTH SCHEDULE.

A.D. 1891.

*Wandsworth
District.*

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

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SECTION 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

10

SECTION 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of such electrical
15 quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

A.D. 1891.

WESTMINSTER ELECTRIC LIGHTING.

Westminster.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Westminster Electric Supply Corporation, Limited, in respect of the united parishes of St. Margaret and St. John, Westminster. 5

Preliminary.

Short title. 1. This Order may be cited as the Westminster Electric Lighting Order, 1891.

Commencement of Order. 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order." 10

Address and Description of the Undertakers.

Address and description of Undertakers. 3. The Undertakers for the purpose of this Order are the Westminster Electric Supply Corporation, Limited, being a company registered under the Companies Acts, 1862 to 1886, with limited liability, and having its registered offices at Victoria Mansions, 32, Victoria Street, in the city of Westminster. 15

Provided that if the undertaking or any part thereof is at any time purchased by or transferred to any other body or persons in accordance with the provisions of this Order, or of the principal Act, such body or persons shall from the date of such purchase or transfer, be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned. 20

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license, provisional order, or special Act within the administrative county of London, unless the Undertakers are authorised by Parliament to do so. 25

Area of Supply.

Area of supply. 4. Subject to the provisions of this Order, the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red. 30

Prohibition of supply beyond area of supply. 5. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply, otherwise than under the authority of Parliament, or under a license granted by the Board of Trade under the principal Act. 35

Incorporation of sections of previous Order.

A.D. 1891.

Westminster.
Incorporation
of sections
of previous
Order.

6. The sections numbered two, seven to forty-four, and forty-six to eighty-five, all inclusive, of the Westminster Electric Lighting Order, 1889 (which Order is set out in the schedule to the Electric Lighting Orders Confirmation (No. 2) Act, 1889, and is herein-after referred to as the Order of 1889), are incorporated with and made applicable to this Order, and this Order is to be read and construed as if all such sections were expressly set out in this Order and formed part of the same with the following modifications (that is to say)—
- 10 (a.) The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule," as used in the said incorporated sections shall mean respectively the First, Second, Third, and Fourth Schedules annexed to this Order.
- 15 (b.) The seventh incorporated section shall for the purpose of being applied to this Order be read as though the sum of one thousand pounds appeared therein instead of the sum of two thousand pounds.
- (c.) The eighth incorporated section shall be read as though the area of supply mentioned in the First Schedule to this Order, were part of the original area of the Undertakers under the above mentioned Order of 1889.
- 20 (d.) The eighteenth incorporated section shall be read as if electric lighting companies were mentioned throughout the said section wherever gas and water companies are therein mentioned, and as if electric lines or works were mentioned in the said section wherever mains or pipes belonging to a gas or water company are mentioned therein.
- 25 (e.) The period of seven years first referred to in the fifty-first incorporated section shall be reckoned from the commencement of the said Order of 1889, and not from the commencement of this Order.
7. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth in contravention of this Order; or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety, or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

Remedying of
system and
works.

THIRD SCHEDULE.

A.D. 1891.

Westminster.

List of streets not repairable by the local authority, railways, and tramways, which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

- 5 (a.) *Streets* :—
Queen Square Place.
- (b.) *Railways* :—
None.
- 10 (c.) *Tramways* :—
None.

FOURTH SCHEDULE.

In this schedule—

- 15 The expression “unit” shall be deemed to mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.
- The expression “standard pressure” shall mean such a constant difference of potential at corresponding points of the positive and negative distributing mains as may be fixed by any regulations under this Order.

20 SECTION 1.

Where the Undertakers charge any consumer by the actual quantity of energy supplied to him, they shall be entitled to charge him at the following rates per quarter :—For any quantity up to twenty units, thirteen shillings and fourpence; and for each unit over twenty units, eightpence.

25 SECTION 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the quantity of energy supplied to him being taken to be the product of such electrical
30 quantity and the standard pressure at the point of junction of the distributing mains and the service lines by which he is supplied.

Provided that where the Undertakers' system involves a transformation of the energy supplied on the consumer's premises, the quantity of energy

A.D. 1891. supplied to him may be taken to be the product of such electrical quantity
Westminster. and the standard pressure on the Undertakers' mains divided by the number
expressing the ratio of the transformation employed.

SECTION 3.

Where the Undertakers charge any consumer by the number of hours 5
during which he actually uses his supply, they shall be entitled to charge him
at the rates specified in section 1 of this schedule, the quantity of energy
supplied to him being calculated on the supposition that the consumer uses
the maximum power specified by him under the provisions of this Order
during all the hours that he has used the supply. 10

Electric Lighting Provisional Orders (No. 9)

A

B I L L

To confirm certain Provisional Orders made
by the Board of Trade under the Electric
Lighting Acts, 1882 and 1888, relating to
Camberwell, Islington, Southwark, Wandsworth
District, and Westminster.

*(Prepared and brought in by
S^r Michael Hicks Beach and Baron de Worms.)*

*Ordered, by The House of Commons, to be Printed
4 May 1891.*

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[*Price 1s. 4d.*]

[Bill 312.]

A
B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to the City of London, Clerkenwell, St. Luke, Chelsea, St. Luke, Middlesex, and Woolwich. A.D. 1891.

WHEREAS, under the authority of the Electric Lighting Acts, 1882 and 1888, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 45 & 46 Vict.
c. 56.
51 & 52 Vict.
c. 12.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Acts is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Acts, as set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Electric Lighting Orders Confirmation (No. 10) Act, 1891. Short title.

2. The several Orders, as set out in the schedule to this Act annexed, shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and effect. Confirmation
of Orders.

3. Notwithstanding anything in the Electric Lighting Act, 1882, contained, the Local Board of Health of Woolwich shall be the local authority for all purposes of the Electric Lighting Acts, 1882 and 1888, and of the order in the schedule relating to Woolwich; and the schedule to the said Act of 1882 shall with respect to Provision as
to local
authority
for purposes
of Woolwich
Order.

[Bill 313.]

A

- A.D. 1891. Woolwich be read as if the local board had been there referred to in lieu of the vestry; and the local rate and the security upon which loans are to be contracted shall be the lighting rate or other fund or rate applicable for lighting in the district; and the consent required to borrowing by the local authority, and the provisions 5 and restrictions as to borrowing and the repayment of loans, and the mode of audit of accounts shall be those applicable by law for the time being to the said local board, and not those stated in the schedule to the said Act with respect to parishes and districts mentioned in the schedules to the Metropolis Management Act, 10 1855.

SCHEDULE.

LIST OF ORDERS.

1. CITY OF LONDON.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Brush Electrical Engineering Company, Limited. 15
 2. CLERKENWELL.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Brush Electrical Engineering Company, Limited.
 3. ST. LUKE, CHELSEA.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the New Cadogan and Belgrave Electric Supply Company, Limited. 20
 4. ST. LUKE, MIDDLESEX.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Brush Electrical Engineering Company, Limited. 25
 5. WOOLWICH.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Woolwich District Electric Light Company, Limited.
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CITY OF LONDON ELECTRIC LIGHTING.

A.D. 1891.

Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Brush Electrical Engineering Company, Limited, in respect of the Western District of the City of London.

City of London.

Preliminary.

1. This Order may be cited as the City of London Electric Lighting (Brush) Order, 1891. Short title.

2. The City of London Electric Lighting (Brush) Order, 1890, herein-after called the principal Order, and this Order shall be read and construed together as one Order, and may be cited as the City of London Electric Lighting (Brush) Orders, 1890 and 1891. This Order to be read as one with principal Order.

3. The several words, terms, and expressions to which by the principal Order meanings are assigned shall have in this Order the same respective meanings. Interpretation.

4. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order." Commencement of Order.

5. Subject to the provisions of this Order, the Undertakers for the purpose of this Order are the Brush Electrical Engineering Company, Limited, being a company registered under the Companies Acts, 1862 to 1886, and having its registered office at No. 112, Belvedere Road, London, S.E. Address and description of Undertakers.

6. Subject to the provisions of this Order, the area of supply for the purposes of the principal Order and this Order shall be the whole of the area included in the First Schedule to this Order, and that schedule shall be substituted for the First Schedule to the principal Order, and the principal Order shall be read and construed accordingly. Area of supply.

7. All provisions of the principal Order referring to the Second and Third Schedules to that Order shall apply in like manner to the Second and Third Schedules to this Order, provided that as respects the streets and parts of streets included in the Second Schedule to this Order, and as respects every other street or part of a street in so much of the area of supply (as hereby constituted) as was not included in the First Schedule to the principal Order, the respective periods of two years and eighteen months referred to in section twenty-one of the principal Order shall be reckoned from the commencement of this Order. Application of principal Order to extended area of supply.

A.D. 1891.

*City of
London.*Amendment
of section
fifty-nine of
principal
Order.Application of
section two of
the Electric
Lighting Act,
1888.Provision as
to Inner and
Middle
Temples.

8. The Undertakers shall if so required by the county council supply to them a copy of such map or section as is referred to in section fifty-nine of the principal Order, and the other provisions of that section with respect to such copy shall apply as if the county council had been therein mentioned in addition to the local authority.

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9. The period of forty-two years mentioned in section two of the Electric Lighting Act, 1888, shall for the purposes of the principal Order and this Order be reckoned from the commencement of the principal Order.

10. Nothing in this Order or the principal Act shall authorise the Undertakers to exercise within the parishes or places known as the Inner Temple and the Middle Temple any of the powers conferred upon them in relation to the execution of works under the provisions of this Order or the principal Act, without the previous consent in writing of the treasurer for the time being of the Honourable Society of the Inner Temple or Middle Temple, as the case may be, and subject to such terms and conditions as the said treasurer and the masters of the bench of the said societies respectively may impose.

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SCHEDULES.

FIRST SCHEDULE.

Area of Supply.

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PART I.

So much of the city of London as lies to the west of a line drawn through the following streets, namely:—Dowgate Hill, Walbrook, Prince's Street, Moorgate Street, and Finsbury Pavement, together with the parishes or places known as the Inner Temple and the Middle Temple.

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PART II.

Such streets and parts of streets within the city of London not included in Part I. as the local authority, with the approval of the Board of Trade, shall appoint to be included in the area of supply.

SECOND SCHEDULE.

A.D. 1891.

*City of
London.*

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order :—

- 5 So much of the following streets or parts of streets as lies within the area of supply :—
- | | | |
|----|----------------------|------------------------|
| | Fleet Street. | Long Lane. |
| | Ludgate Hill. | Snow Hill. |
| | Bridge Street. | Chancery Lane. |
| 10 | Farringdon Street. | Fetter Lane. |
| | Holborn. | St. Andrew Street. |
| | Holborn Viaduct. | Shoe Lane. |
| | Newgate Street. | St. Bride Street. |
| | Charterhouse Street. | Old Bailey. |
| 15 | King Street. | St. Paul's Churchyard. |
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THIRD SCHEDULE.

List of streets not repairable by the local authority, and railways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order :—

- 20 (a.) *Streets :—*
Temple Avenue.
- (b.) *Railways :—*
None.
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A.D. 1891.

CLERKENWELL ELECTRIC LIGHTING.

Clerkenwell. Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Brush Electrical Engineering Company, Limited, in respect of the parish of St. James and St. John, Clerkenwell. 5

Preliminary.

- Short title. 1. This Order may be cited as the Clerkenwell Electric Lighting Order, 1891.
- Interpretation. 2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act"; and the several words, terms, and expressions to which by the principal Act meanings are assigned, shall have in this Order the same respective meanings, provided that in this Order— 15
- The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882 :
- The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied : 20
- The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street, subway, or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply : 25
- The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer, either from any main or directly from the premises of the Undertakers :
- The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply : 30
- The expression "general supply" shall mean the general supply of energy to ordinary consumers, and, unless otherwise specially agreed with the local authority, to the public lamps, but shall not include the supply of energy to any one or more particular consumers under special agreement : 35
- The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order : 40
- The expression "subway" shall mean any passage or covered way under the surface of a street, constructed for the reception of pipes or wires :

The expression "county council" shall mean the London County Council, A.D. 1891.
and the provisions of this Order in which the county council is
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expressly mentioned, shall be construed without derogation to the

5 this Order and the principal Act :

The expression "consumer" shall mean any body or person supplied or
entitled to be supplied with energy by the Undertakers :

10 The expression "consumer's terminals" shall mean the ends of the electric
lines situate upon any consumer's premises and belonging to him, at
which the supply of energy is delivered from the service lines :

15 The expression "telegraphic line," when used with respect to any telegraphic
line of the Postmaster-General shall have the same meaning as in the
Telegraph Act, 1878, and any such telegraphic line shall be deemed to
be injuriously affected where telegraphic communication by means of
such line is, whether through induction or otherwise, in any manner
affected :

The expression "railway" shall include any tramroad, that is to say, any
tramway other than a tramway as herein-after defined :

20 The expression "tramway" shall mean any tramway laid along any
street :

The expression "daily penalty" shall mean a penalty for each day on
which any offence is continued after conviction thereof :

25 The expressions "First Schedule," "Second Schedule," "Third Schedule,"
and "Fourth Schedule" shall mean the First, Second, Third, and Fourth
Schedules to this Order annexed respectively :

The expression "deposited map" shall mean the map of the area of supply
deposited at the Board of Trade by the Undertakers together with this
Order, and signed by an assistant secretary to the Board of Trade.

30 The expression "plan" shall mean a plan drawn to a horizontal scale of at
least one inch to eighty-eight feet, and where possible a section drawn
to the same horizontal scale as the plan, and to a vertical scale of at
least one inch to eleven feet, with such detail plan and sections as may
be necessary.

35 3. This Order shall come into force and have effect upon the day when the
Act confirming this Order is passed, which date is in this Order referred to as
"the commencement of this Order." *Commence-
ment of Order.*

Address and description of the Undertakers.

40 4. The Undertakers for the purposes of this Order are the Brush Electrical
Engineering Company, Limited, being a company registered under the
Companies Acts, 1862 to 1890, with limited liability, and having its
registered offices at No. 112, Belvedere Road, S.E. *Address and
description of
Undertakers.*

45 Provided that if the undertaking, or any part thereof, is at any time
purchased by the local authority in accordance with the provisions of this
Order, or of the principal Act, such local authority shall from the date of
such purchase be the Undertakers in relation to such undertaking or part

A.D. 1891. thereof for the purposes of this Order in lieu of the company above mentioned.

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The Undertakers shall not purchase or acquire the undertaking of, or associate themselves with any other company or person supplying energy under any license, Provisional Order, or special Act, unless the Undertakers 5 are authorised by Parliament to do so.

If in contravention of this section the Undertakers purchase or acquire any such undertaking, or associate themselves with such other company or person, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think just.

10

Area of Supply.

Area of supply.

5. Subject to the provisions of this Order, the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red.

Prohibition of supply beyond area of supply.

6. The Undertakers shall not at any time after the commencement of this 15 Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament, or under a license granted by the Board of Trade under the principal Act.

If the Undertakers supply energy or erect or lay down electric lines or 20 works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

Security for execution of works.

7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred 25 on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

The Undertakers shall also within six months after the commencement of 30 this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of one thousand pounds.

If within any such period as aforesaid the Undertakers fail to show to the 35 satisfaction of the Board of Trade that they are in such a position as above mentioned, or fail to deposit or secure such sum as aforesaid, the Board of Trade may, after considering any representations which the county council or the local authority may make, revoke this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply, upon such 40 terms as they may think just.

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector, to be appointed

by the Board of Trade, that amounts equal to the sum so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, or at such earlier dates, and by such instalments as may be approved by the Board of Trade.

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8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the county council and the local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

Separate
accounts to
be kept of
undertaking.

9. The annual statement of accounts of the Undertaking, before being published as provided by section nine of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the Board of Trade shall appoint, and the remuneration of the auditor shall be such as the Board of Trade shall direct, and the same and all expenses incurred by him in or about the execution of his duties, to such an amount as the Board of Trade shall approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt.

Audit of
Undertakers'
accounts.

The Undertakers shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit, and shall when required furnish to him and them all vouchers and information requisite for such purpose, and shall afford to him and them all facilities for the proper execution of his and their duty.

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted, or otherwise for the purpose of giving effect to the provisions of this section.

Any report made by the auditor, or such portion thereof as the Board of Trade shall direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section line.

35 *Nature and mode of Supply.*

10. Subject to the provisions of this Order and the principal Act, the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act, provided as follows:—

Systems and
mode of
supply.

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade, and subject to such regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

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- (2.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval. 5
- (3.) The system of supply shall be by continuous current only except by consent of the Board of Trade.

Prohibition of overhead wires.

Prohibition of
 overhead wires.

11. The Undertakers shall not without the express consent of the county council and of the Board of Trade place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply. 10

Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except as above in this section mentioned), they shall be removed by the Undertakers within a period of one year after such commencement. 15

If the Undertakers place or fail to remove any electric lines in contravention of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made, may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit. 20

Works.

Powers for
 execution of
 works.

12. Subject to the provisions of this Order and the principal Act, the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets, not repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule, so far as such streets, railways, and tramways may for the time being be included in the area of supply, and be, or be upon land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level. 30

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway, except such streets, railways, or tramways (if any) or such parts thereof as are specified in the said schedule, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, or of the Board of Trade, under section thirteen of the Electric Lighting Act, 1882, and where the Board of Trade gives such consent the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates as if it had been specified in the said schedule. 35 40

13. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of such

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Street boxes.

5 boxes.

Provided that no such box or apparatus shall be placed above ground, except with the consent of the local authority, body or person by whom such street is repairable.

Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Board of Trade may otherwise order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing, or controlling the supply of energy, or for examining or testing the condition of the mains or other portions of the

10 works, or for other like purposes connected with the undertaking; and the Undertakers may place therein meters, switches, and any other suitable and proper apparatus for any of the above purposes.

Every such box, including the upper surface or covering thereof, shall be constructed of such materials, and shall be constructed and maintained by

20 the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

The local authority, or (if the street is repairable by them) the county council, may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such boxes, and if the

25 Undertakers, during any hours not so prescribed, remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority, or county council, they shall be liable to a penalty not exceeding five pounds for every such offence and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not

30 be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

14. Where the exercise of any of the powers of the Undertakers in relation

35 to the execution of any works (including the construction of boxes) will involve the placing of any works in, under, along, or across any street or public bridge, the following provisions shall have effect:

(a.) One month before commencing the execution of such works (not being

40 the repairs, renewals, or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a notice upon the Postmaster-General and the local authority and the county council describing the proposed works, together with a plan of

the works showing the mode and position in which such works are

intended to be executed, and the manner in which it is intended that

45 such street or bridge, or any sewer, drain, or tunnel therein or there-

under, is to be interfered with, and shall, upon being required to do so by

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Notice of
works, with
plan, to be
served on the
Postmaster-
General and
local authority.

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the Postmaster-General or the local authority or county council give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.

- (b.) The Postmaster-General or the local authority or the county council 5
 may in his or their discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers.
- (c.) Where the Postmaster-General or the local authority or the county 10
 council approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapprove of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter, and allow or disallow such appeal, and approve any such works or plan, subject to 15
 such amendments or conditions as may seem fit, or may disapprove the same.
- (d.) If the Postmaster-General or the local authority or the county council 20
 fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them, he or they shall be deemed to have approved such works and plan.
- (e.) Notwithstanding anything in this Order or the principal Act, the 25
 Undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved or is deemed to have been approved by the Postmaster-General and the local authority and 30
 the county council or by the Board of Trade, as above mentioned; but where any such works, description, and plan are so approved, or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all 35
 respects to the provisions of this Order and of the principal Act.
- (f.) If the Undertakers make default in complying with any of the 40
 requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation 45
 to the Postmaster-General and the local authority and the county council for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any 40
 such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as 45
 was reasonable under the circumstances.

Nothing in this section shall exempt the Undertakers from any penalty or 45
 obligation to which they may be liable under this Order, or otherwise by law,

in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy.

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15. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street or part of a street not repairable by the local authority or the county council, or over or under any railway, tramway, or canal, the following provisions shall have effect, unless otherwise agreed between the parties interested :—

As to streets not repairable by local authority, or county council, railways, tramways and canals.

(a.) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the "owners," describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

(b.) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given to the provisions thereof.

(c.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.

(d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible.

(e.) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them any question required to be settled by arbitration has been so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan

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so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

- (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works. 5
- (g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency give to the owners not less than twenty-four hours' notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act. 10 15
- (h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and, in addition thereto, they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 20 25 30

Street authority, &c., may give notice of desire to break up streets, &c., on behalf of Undertakers.

16. Any body or person for the time being liable to repair any street or part of a street, or liable to repair any sewer, subway, or work, or entitled to work any railway or tramway, which the Undertakers may be empowered to break up for the purposes of this Order, may, if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, subways, tunnels, or other works vested in or under the control or management of such body or person, and may amend or revoke any such notice by another notice similarly served. Where any such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested:— 35 40 45

- (a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid,

except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency. A.D. 1891.
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- 5 (b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the
- 10 givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.
- (c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties
- 15 as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.
- (d.) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by
- 20 any requisition required to be commenced, neglect to comply with such requisition, the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.
- 25 (e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice; but in such case the Undertakers shall,
- 30 within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice.
- (f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid, otherwise than in accordance with the provisions
- 35 of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid, if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers
- 40 complied with the requirements of this section so far as was reasonable under the circumstances.
- (g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers, under this section, shall be repaid to them by the Undertakers, and may be recovered summarily.
- 45 (h.) The givers of the notice may, if they think fit, require the Undertakers to give them such security for the repayment to them of any

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expenses incurred or to be incurred by them under this section, as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction, they shall not be entitled 5 to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section, until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or 10 imposed upon them by this Order, or the principal Act, in relation to the execution of any works beyond the actual breaking up, filling in, reinstating or making good any such street or part of a street, or any such bridges, sewers, drains, subways, tunnels, or other works, or railway or tramway as in this section mentioned. 15

As to alteration of pipes, wires, &c., under streets.

17. The Undertakers may alter the position of any pipes (not forming part of any sewer of the county council or the local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order; and any body or person may, in like manner, alter 20 the position of any electric lines or works of the Undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person, in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested:— 25

- (a.) One month before commencing any such alterations, the Undertakers, or such body or person (as the case may be), in this section referred to as the "operators," shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the case may be), in this section referred to as "the owners," describing 30 the proposed alterations, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.
- (b.) Within three weeks after the service of any such notice and plan upon 35 any owners, such owners may, if they think fit, serve a requisition upon the operators, requiring that any question in relation to such works, or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by 40 arbitration accordingly.
- (c.) In settling any question under this section, an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works, so as 45

to avoid interference with any purpose for which such pipes, wires, electric lines, or works are used so far as may be possible. A.D. 1891.

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(d.) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case, or where, after any such requisition has been served upon them any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or secure, may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

(e.) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such notification as herein-after provided.

(f.) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.

(g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable.

(h.) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.

(i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators, and may be recovered summarily.

(j.) Any owners may, if they think fit, by any statement served by them under this section upon any operators not being the county council or a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in

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manner provided by this Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.

- (k.) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Laying of
 electric lines,
 &c., near
 sewers, &c.,
 or gas or water
 pipes, or other
 electric lines.

18. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the county council or of the local authority, or any main, pipe, syphon, electric line, or other work belonging to any gas, electric supply, or water company, has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or such gas or water company (as the case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the county council or local authority, or to such gas, electric supply, or water company, or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than fourteen days' notice before commencing to dig or sink such trench as aforesaid, and such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe, electric line, or work they shall temporarily support the same in position during the execution of their works, and before completion provide a suitable and proper foundation for the same where so undermined.

The owners, upon giving notice to the Undertakers during the fourteen days herein-before referred to of their desire to execute any work to which the provisions of this section apply, may themselves execute the same; and in

case they give such notice, they shall execute such work with due care and diligence, and shall be subject to the like restrictions and conditions as the operators would themselves be subject to in respect of the same, and the reasonable costs of executing such works shall be repaid by the operators to the owners: Provided always, that the provisions of this paragraph shall not apply so long as any like notice from the county council, the local authority, or other body or person under the provision of the section of this Order whereof the marginal note is "Street authority, &c., may give notice of desire to break up streets, &c., on behalf of Undertakers" remains in force.

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Provided always, that when the Undertakers or any gas company desire to lay a service pipe or line to a house or premises already connected by a service pipe or line with the works of the gas company or the Undertakers, as the case may be, forty-eight hours' notice shall be given by the Undertakers or the gas company, as the case may be, to the other of them, and in that case the provisions of this section, so far as applicable, shall then apply to such service pipes or lines accordingly.

Where the operators (being the Undertakers) lay any electric line, crossing, or liable to touch any mains, pipes, lines or services belonging to any gas, electric supply, or water company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade, and the Undertakers shall not, except with the consent of the gas, electric supply, or water company as the case may be, and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, lines or services, or except with the like consent employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas, the expression "water company" shall mean any body or person lawfully supplying water or water power, and

A.D. 1891. the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this Order.

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For protection
of railway and
canal com-
panies.

19. In the exercise of any of the powers of this Order relating to the execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works or conveniences belonging to any railway or canal company, nor obstruct or interfere with the working of the traffic passing along any railway or canal. 5

For protection
of telegraphic
and telephonic
wires.

20.--(1.) The Undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions, and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down, or placed their electric lines or other works, or worked their undertaking in contravention of this sub-section, and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby, such question shall be determined by arbitration, and the arbitrator (unless he is of opinion that such wire or line, not having been so in existence at such time as aforesaid, has been constructed or placed without reasonable precautions against such injurious affection) may direct the Undertakers to make any alterations in, or additions to, their system so as to comply with the provisions of this section, and the Undertakers shall make such alterations or additions accordingly. 10 15 20 25

(2.) Seven days before commencing to lay down or place any electric line, or to use any electric line, in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line, notice in writing specifying the course, nature, and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used; and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing, or user of such electric line, for the purpose of preventing such injurious affection; and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid. 30 35 40

If any difference arises under this section between any such owner and the Undertakers, such difference shall be determined by arbitration, 45

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

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- 5 (3.) If in any case the Undertakers make default in complying with the provisions of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding
10 forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact
15 that the Undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

- (4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment,
20 action, or otherwise in relation to any of the matters aforesaid.

21. Where the Undertakers desire to lay, or may be required to lay, any electric line in any street under the surface of which there is a subway, and the county council or the local authority (as the case may be) in whom such subway is vested, serve a notice upon them requiring them to lay the same in
25 the subway, then, notwithstanding anything in any special or general Act of Parliament contained, the powers conferred by this Order and the principal Act, with respect to the breaking up and interfering with streets shall not be exercised by the Undertakers as to such street in so far as the subway extends under the surface thereof, and any electric line to which this section
30 applies shall be laid in the subway in such manner and position as the county council or local authority shall direct or approve.

Provision as
to subway.

- Where any electric line of the Undertakers shall be so laid under the provisions of this section, they shall pay to the county council or local authority in whom the subway is vested such reasonable rent for the use
35 thereof as may be settled by agreement, or, in case of difference, by arbitration: Provided that the Undertakers shall have access to such subway at all such reasonable times, and subject to such conditions as may be settled in like manner.

Compulsory Works.

- 40 22.—(1.) The Undertakers shall, within a period of two years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule, and shall thereafter maintain the same,

Mains, &c., to
be laid down
in streets
specified in
Second
Schedule and
in remainder of
area of supply,

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(2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this 5 Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them, or such further time as may in any case be 10 approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, or person by whom such street is repairable, consent to the breaking up thereof) forthwith apply 15 to the Board of Trade under section thirteen of the Electric Lighting Act, 1882, for the written consent of the Board, authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

As to laying
of electric line
under special
agreement.

23. Twenty-eight days at the least before commencing to lay in any street 20 any electric line which is intended for supplying energy to any particular consumer and not for the purposes of general supply, the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the Under- 25 takers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended 30 for such particular consumer.

If Undertakers
fail to lay down
mains, &c.,
Order may be
revoked.

24. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day 35 during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may, after considering any representations of the county council or the local authority, revoke this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply, or, if the 40 Undertakers so desire, may, after having given an opportunity to the county council and the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof, subject to such conditions as they may think fit to impose, and any conditions so imposed shall be binding on and observed by 45

the Undertakers, and shall be of the like force and effect in every respect as though they were contained in this Order.

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25. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by two or more owners or occupiers of premises along such street or part of a street, or where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority.

Manner in which requisition is to be made.

Every such requisition shall be signed by the persons making the same or by the local authority (as the case may be), and shall be served upon the Undertakers.

Forms of requisitions shall be kept by the Undertakers at their office, and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same, and any requisition so supplied shall be deemed valid in point of form.

26. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom the requisition is signed, stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take, or will guarantee that there shall be taken, a supply of energy for two years, of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not, without the authority of the Board of Trade, specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains, and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Provisions on requisition by owners or occupiers.

Where such notice is served the requisition shall not be binding on the Undertakers unless, within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference, the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons or some of them, binding them to take, or guaranteeing that there shall be taken, for a period of two years at the least, such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice, or determined by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid), within the period limited for the tender of the agreement as aforesaid.

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If the Undertakers consider that the requisition is unreasonable, or that under the circumstances of the case the provisions of this section ought to be varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, who after such inquiry, if any, as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers, or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than two years and to specify such sum or percentage, whether calculated as herein-before provided or otherwise, as shall be fixed or directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly. 5 10

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement, such difference shall, subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid, be determined by arbitration. 15

Provisions on
requisition by
local authority.

27. Where any such requisition is made by the local authority, it shall not be binding on the Undertakers, unless at the time when such service is effected, or within fourteen days thereafter, there be tendered to the Undertakers (if required by them) an agreement executed by the local authority, and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control. 20 25

Supply.

Undertakers to
furnish sufficient
supply of energy to
owners and
occupiers
within the area
of supply.

28. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions, subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following (that is to say): 30 35

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers, although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier. 40 45

Every owner or occupier of premises requiring a supply of energy shall— A.D. 1891.
Serve a notice upon the Undertakers, specifying the premises in respect of *Clerkenwell.*

5 which such supply is required, and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence: and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers, for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section, to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier, in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

20 Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

30 Provided also, that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner, or uses the energy supplied to him by the Undertakers for any purposes, or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises so long as such user continues.

40 Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined by arbitration.

45 29. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with, Maximum power.

A.D. 1891. not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt. 5 10

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises, or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

Supply of
energy to
public lamps.

30. The Undertakers, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied. 15 20

Penalty for
failure to
supply.

31. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs. 25

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp, and for each day on which any such default occurs. 30

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order, they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf. 35

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court, having cognizance of the case, shall be of opinion that such default was caused by inevitable accident or force majeure, or was of so slight or unimportant a character as not materially to affect the value of the supply. 40 45

Price.

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Methods of
charging.

32. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1) By the actual amount of energy so supplied; or,
- 5 (2) By the electrical quantity contained in such supply; or,
- (3) By such other method as may for the time being be approved by the Board of Trade.

10 Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

15 Provided also that before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the county council and the local authority by what method they propose to charge for energy supplied through such main; and if the local authority become the Undertakers under this Order they shall give the like
20 notice by public advertisement and, where the Undertakers have given any such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the county council and the local authority and to every consumer of energy who is supplied by them from such main.

25 33. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade such price as the Board of Trade shall, on approving such method, determine. Maximum prices.

30 Provided, that if the county council, the local authority, or the Undertakers shall, at any time after the expiration of seven years from the twenty-sixth day of August, 1889, make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered, the Board of Trade, after such inquiry
35 as they may think fit, may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order, as if they had been stated in the said
40 schedule: Provided also, that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

34. Subject to the provisions of this Order and of the principal Act, and to the right of the customer to require that he shall be charged according to
45 some one or other of the methods above mentioned, the Undertakers may

Other charges
by agreement.

A.D. 1891, make any agreement with a consumer as to the price to be charged for energy,
Clerkenwell. and the mode in which such charges are to be ascertained, and may charge
 accordingly.

Price to public 35. The price to be charged by the Undertakers and to be paid to them
 lamps. for all energy supplied to the public lamps, and the mode in which such 5
 charges shall be ascertained, shall be settled by agreement between the local
 authority and the Undertakers, and in case of difference, by arbitration,
 regard being had to the circumstances of the case and the distributing or
 other mains (if any) which may have to be laid for the purpose, and the
 prices charged to ordinary consumers in the district. 10

Electric Inspectors.

Appointment 36. The county council, so long as they are not themselves the Undertakers
 of electric for the purposes of this Order, may appoint, and keep appointed, one or more
 inspectors. competent and impartial person or persons to be electric inspectors, under
 this Order. 15

 If no electric inspector is appointed by the county council, or if the
 county council themselves become the Undertakers for the purposes of this
 Order, the Board of Trade, on the application of any consumer, or of the
 Undertakers, may appoint, and keep appointed, one or more competent and
 impartial person or persons to be electric inspectors under this Order. 20

 The duties of an electric inspector under this Order shall be as follows:—

(a.) The inspection and testing, periodically and in special cases, of the
 Undertakers' electric lines and works and the supply of energy given by
 them :

(b.) The certifying and examination of meters, and 25

(c.) Such other duties in relation to the undertaking as may be required of
 him under the provisions of this Order or of any regulations under this
 Order.

 The county council, with the approval of the Board of Trade, or the Board
 of Trade, if the inspector is appointed by them, may prescribe the manner in 30
 which and the times at which any such duties are to be performed by an
 electric inspector, and also the fees to be taken by him, and such fees shall be
 accounted for and applied as may be directed by the county council or the
 Board of Trade as the case may be.

Remuneration 37. The county council may pay to any electric inspector appointed by them 35
 of electric under this Order such reasonable remuneration (if any) as they may deter-
 inspectors. mine, and such remuneration may be in addition to, or in substitution for, any
 fees directed to be paid to electric inspectors in respect of their duties under
 this Order or any regulations of the Board of Trade made in pursuance of
 this Order or the principal Act according as the county council shall 40
 determine.

Inquiry by 38. The Board of Trade may also if they deem it necessary appoint any
 Board of electric inspector or other fit person or persons to inquire and report as to the
 Trade.

cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works, or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with, by the Undertakers, and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

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Testing and Inspection.

10 39. On the occasion of the testing of any main of the Undertakers, reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but, except
15 under the provisions of a special order in that behalf made by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains. Provided that the Undertakers shall not be held responsible for any interruption in the supply
20 of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. Provided, also, that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of
mains.

25 40. An electric inspector, if and when required to do so by any consumer, shall, on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining
30 whether the Undertakers have complied with the provisions of this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Testing of
works and
supply on
consumer's
premises.

41. The Undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost and keep in proper
35 condition such reasonable number of testing stations as the county council shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and
40 supply energy thereto for the purpose of such testing.

Undertakers
to establish
testing stations.

If any dispute arises between the county council and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any excessive or improper use of energy for such testing, or as to the performance by the

A.D. 1891. Undertakers of their duties under this section, such dispute shall be determined by arbitration.

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Undertakers to keep instruments on their premises.

42. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record, and keep recorded such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence. 5

Readings of instruments to be taken.

43. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at any testing station, or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence. 10 15

Electric inspector may test Undertakers' instruments.

44. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers, for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the same are not in order, he may require the Undertakers forthwith to have the same put in order. 20

Representation of Undertakers at testings.

45. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection. 25

Undertakers to give facilities for testing.

46. The Undertakers shall afford all facilities for the proper execution of this Order, with respect to inspection and testing and the readings, and inspection of instruments, and shall comply with all the requirements of or under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default, to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound. 30

Report of results of testing.

47. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the authority, or person by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence. 35

If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector, they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties. 40

48. Save as otherwise provided by this Order, or by any regulations under this Order, all fees and reasonable expenses of an electric inspector shall, unless agreed, be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade, and shall be paid
5 by the Undertakers.

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Expenses of
electric
inspector.

Provided that where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, such fees and expenses shall, on being ascertained as above mentioned, be paid by such consumer or consumers as the court or board, having
10 regard to such report or decision, shall direct, and may be recovered summarily as a civil debt.

Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

15

Meters.

49. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply," shall, except as otherwise
20 agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meters to be
used except
by agreement.

50. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and
25 to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade, and every such meter is in this Order referred to as a "certified meter": Provided that where any alteration is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines, such meter shall cease to be a certified
30 meter, unless and until it be again certified as a certified meter under the provisions of this Order.

Meter to be
certified.

51. Every electric inspector, on being required to do so by the Undertakers, or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value
35 of the supply, and shall certify the same as a certified meter if he considers it entitled to be so certified.

Inspector
to certify
meters.

52. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter,
40 and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises at

Undertakers to
supply meters
if required to
do so.

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all reasonable hours and execute all necessary works and do all necessary acts; provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or if he desires to hire such meter may require him to enter into an agreement for the hire of such meter as herein-after provided. 5

Meters not to be connected or disconnected without notice.

53. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line, unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings. 10

Consumer to keep his meter in proper order.

54. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained, in proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter. 15

The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers. 20 25

Power to the Undertakers to let meter.

55. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt. 30

Undertakers to keep meters let for hire in repair.

56. The Undertakers shall, unless the agreement of hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times. Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers. 35 40

Differences as to correctness of meter to be

57. If any difference arises between any consumer and the Undertakers as to whether any meter, whereby the value of the supply is ascertained (whether

belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined upon the application of either party by an electric inspector or where

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settled by in-
spectors.

- 5 the local authority are the consumers, by an inspector to be appointed by the Board of Trade, who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid, the register of the meter shall be conclusive evidence in the absence of fraud
- 10 of the value of the supply.

58. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the Undertakers change the method of charging for energy supplied by them from such main, the Under-
- 15 takers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers to
pay expenses
of providing
new meters
where method
of charge
altered.

- 20 59. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply
- 25 is given, or the maximum power taken by such consumer, or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern, and shall be fixed and connected with the service lines in some manner approved by the Board of Trade, and shall be supplied and maintained entirely at the cost of the
- 30 Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Undertakers
may place
meters to
measure supply
or to check
measurement
thereof.

Maps.

60. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply, and shall
- 35 cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also, if so required by the Board of Trade or the Postmaster-General, or the
- 40 county council, cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Map of area
of supply to be
made and
deposited.

A.D. 1891. Every map and section so made or corrected, or a copy thereof, marked
 — with the date when it was so made or last corrected, shall be kept by the
Clerkenwell. Undertakers at their principal office within the area of supply, and shall at
 all reasonable times be open to the inspection of all applicants, and such
 applicants may take copies of the same or any part thereof. The Under- 5
 takers may demand and take from every such applicant as aforesaid such
 fee not exceeding one shilling for each inspection of such map, section, or
 copy, and such further fee not exceeding five shillings for each copy of the
 same, or any part thereof, taken by such applicant, as they may prescribe.

The Undertakers shall, if so required by the Board of Trade, or the Post- 10
 master General, or the county council, or the local authority, supply to them
 or him a copy of any such map or section, and cause such copy to be duly
 corrected so as to agree with the original or originals thereof as kept for the
 time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this 15
 section with respect to maps and sections, they shall for every such offence
 be liable to a penalty not exceeding ten pounds, and to a daily penalty not
 exceeding two pounds.

Special provisions in case of Transfer.

Application
 of moneys
 received by
 the local
 authority
 Undertakers.

61. If the local authority become the Undertakers for the purposes of this 20
 Order the following provisions shall have effect :—

(A.) All moneys received by the Undertakers in respect of the undertaking
 except (a) borrowed money, (b) money arising from the disposal of lands
 acquired for the purposes of this Order, and (c) money not of the nature
 of rent received by them in respect of any transfer under the provisions 25
 of this Order shall be applied by them as follows :—

- (1.) In payment of the working and establishment expenses and cost
 of maintenance of the undertaking, including all costs, expenses,
 penalties, and damages incurred or payable by the Undertakers
 consequent upon any proceedings by or against the Undertakers, 30
 their officers or servants in relation to the undertaking.
- (2.) In payment of the interest or dividend on any mortgages, stock,
 or other securities granted and issued by the Undertakers in respect
 of money borrowed for electricity purposes.
- (3.) In providing any instalments or sinking fund required to be 35
 provided in respect of moneys borrowed for electricity purposes.
- (4.) In payment of all other their expenses of executing this Order,
 not being expenses properly chargeable to capital.
- (5.) In providing a reserve fund, if they think fit, by setting aside
 such money as they may from time to time think reasonable, and 40
 investing the same, and the resulting income thereof in Government
 securities, or in any other securities in which trustees are by law
 for the time being authorised to invest, other than stock or securities
 of the Undertakers, and accumulating the same at compound

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5 interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking, or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit, and so from time to time as often as such reduction happens.

10 The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund, when amounting to the prescribed limit, to the credit of the local rate as defined by the principal Act, or, at their option, shall apply such surplus, or any part thereof, to the improvement of the district for which they are the local authority, or in reduction of the capital moneys borrowed for electricity purposes.

15 Provided always, that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking, the Undertakers shall make such a rateable reduction in the charge for the supply of energy as, in their judgment, will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

20 Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

25 (B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows :—

30 (1.) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

35 62. If the local authority become the Undertakers for the purposes of this Order, the following provisions shall have effect :—

Purchase
and use of
lands.

Subject to the provisions of this Order and the principal Act, the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section which may not for the time be required for the purposes of this Order : Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres, except with the consent of the Board of Trade.

A.D. 1891. *Clerkenwell.* Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more houses which, after the commencement of this Order, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. 5

For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants who income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them. 10

Incorporation
of sections
264 and 265
of Public
Health Act,
1875.

63. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act" shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers. 15

Notices, &c.

Notices, &c.,
may be printed
or written.

64. Notices, orders, and other documents under this Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the county council or the local authority, the signature thereof by the clerk or surveyor to the county council or the local authority shall be sufficient authentication. 20

Service of
notices, &c.

65. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:— 25

- (a.) In the case of the Board of Trade, the office of the Board of Trade;
 - (b.) In the case of the Postmaster-General, the General Post Office;
 - (c.) In the case of the county council, the office of such council;
 - (d.) In the case of any local authority, the office of such local authority;
 - (e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company;
 - (f.) In the case of a company having an office or offices, but no registered office, the principal office of that company;
 - (g.) In the case of any other person, the usual or last known place of abode of such person.
- 30
35

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description, 40

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable
5 diligence be delivered, by fixing it on some conspicuous part of the premises.

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Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order, and the execution of any works or the performance of any duty or act is less than seven days, the following days shall
10 not be reckoned in the computation of such time, that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving.

Purchase by Local Authority.

66. In lieu of the period of forty-two years from the date mentioned in section two of the Electric Lighting Act, 1888, there shall be substituted for the purposes of this Order, a period of forty-two years from the twenty-sixth day of August, one thousand eight hundred and eighty-nine, and the other provisions of the said section shall apply accordingly.

Purchase by local authority.

Revocation of Order.

67. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the
25 Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade may, after such inquiry as they may think necessary, and after considering any representations of the county council or the local authority, revoke this Order as to the whole, or
30 with the consent of the Undertakers, as to any part of the area of supply.

Revocation of Order where Undertakers are insolvent.

68. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are
35 satisfied of the truth of such representation they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers and of the county council and of the local authority) as to any part of the area of supply.

Revocation of Order where undertaking cannot be carried on with profit.

69. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers, the county council, and the local authority, upon such terms as the Board of Trade may think just,

Revocation of Order with consent.

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*Clerkenwell.*Provisions
where Order
revoked.

70. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect :

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the county council and the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine.

(b.) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking or such part thereof as aforesaid upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act.

(c.) Where any purchase is so effected, the undertaking, or part thereof so purchased, shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the Undertakers or attaching to the undertaking; and the revocation of this Order as to the whole of the area of supply, or such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obligations of the Undertakers from whom the undertaking, or such part thereof as aforesaid, is purchased in relation to the supply of energy within such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority.

(d.) Where no purchase has been effected under the preceding provisions of this section, the local authority, and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed, may, subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers, forthwith remove such works with all reasonable care, and the Undertakers shall pay to the local authority, or other such body or person as aforesaid, such reasonable costs of such removal, and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them), as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice, or the

delivery of the award of the arbitrator (as the case may be), the local authority, or other such body or person as aforesaid may, without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and

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5 dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums, and to such person or persons, as they may think fit; and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid, and of the costs of sale, and the balance (if any) of the proceeds

10 of the sale shall be paid over by them to the Undertakers.

(e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers by this Order granted to the

15 Undertakers, or for any expenses to which such local authority, body, or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this

20 Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims, and the persons to whom it is to be paid, shall be determined by an

25 arbitrator to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

General.

71. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which

30 has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth, in contravention of this Order, or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being

35 authorised to supply energy under this Order, or (c) that any works of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such

40 measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

Remedying of system and works.

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The Board of Trade may also, if they think fit, by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work, as from such date as may be specified in that behalf until the Order is complied with or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden, they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues. 5

If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order on such terms as they may think fit. 10

Publication of regulations.

72. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall, within one month after the same, as made or last ordered, have come into force, be printed at the expense of the Undertakers, and true copies thereof, certified by or on behalf of the Undertakers, shall be forthwith served upon the county council and the local authority, and like copies shall also be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy. 15 20

If the Undertakers make default in complying with the provisions of this section, they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

Nature and amount of security.

73. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties or, as in default of agreement may be determined, on the application of either party, by a court of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands. 25 30 35

Proceedings of Board of Trade.

74. All things required or authorised under this Order to be done by, to or before the Board of Trade, may be done by, to, or before the President or a secretary or assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown. 40

A certificate, signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the act so certified. A.D. 1891.
Clerkenwell.

75. Where this Order provides for any consent or approval of the Board of Trade, the Board may give such consent or approval subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit. Approval or consent of Board of Trade.

All costs and expenses of or incident to any approval, consent, certificate, or order of the Board of Trade, or of any inspector or person appointed by the Board of Trade, including the costs of any inquiry or tests for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same, as they may think fit, to be prepared and deposited at their office at the expense of the said applicant or applicants, and may, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary.

76. Where the Board of Trade, upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or where the Board of Trade, upon the application of the county council, the local authority, or the Undertakers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid. Notice of approval of Board of Trade, &c., to be given by advertisement.

77. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers, notice of such application shall be served on the county council and the local authority by the Undertakers, and an opportunity shall be given to the local authority and the county council to make representations or objections with reference thereto. Notice of application for extension of time, &c., to be given to local authority and the county council.

78. All penalties, fees, expenses, and other monies recoverable under this Order, or under any regulations made under this Order, or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts. Recovery and application of penalties.

Any penalty recovered on prosecution by an officer of the county council shall, if there is an electric inspector for the time being appointed by the county council, be paid to such officer and by him to the county council, and shall be carried to the county fund.

Any penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court shall so direct, be paid to such body or person.

A.D. 1891. Save as aforesaid, all penalties recovered summarily under this Order shall be applied according to the law regulating the application of penalties so recovered within the metropolitan police district.

Clerkenwell.

Undertakers to be responsible for all damages. 79. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants from all damages and costs in respect of such accidents, damages, and injuries. 10

As to mortgages.

80. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect. 15 20

Saving clause for Postmaster-General.

81. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts. 25

Saving for embankments, &c., of the county council.

82. Nothing in this Order shall authorise the Undertakers to break up or otherwise interfere with any embankment, park, or open space for the time being vested in the county council or the local authority, except so far as any part of such embankment, park, or open space forms part of a street, or to interfere with or make use of any tunnel, sewer, or subway so vested, except with the consent in writing of such council or authority, and subject to such terms and conditions as they may impose. 30 35

Undertakers not exempted from proceedings for nuisance.

83. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of, any nuisance being caused by them.

Provisions as to general Acts.

84. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order. 40

SCHEDULES.

A.D. 1891.
Clerkenwell.

FIRST SCHEDULE.

Area of Supply.

The parish of St. James and St. John Clerkenwell in the administrative
5 county of London.

SECOND SCHEDULE.

List of Streets and parts of Streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order.

- 10 So much of the following street as lies within the area of supply :—
Goswell Road.
-

THIRD SCHEDULE.

List of Streets not repairable by the Local Authority, railways, and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

- 15 (a.) *Streets* :—
Godson Street.
- (b.) *Railways* :—
None.
- 20 (c.) *Tramways* :—
North Metropolitan Tramways.
London Street Tramways.
-

A.D. 1891.

*Clerkenwell.*FOURTH SCHEDULE.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

SECTION 1.

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Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units, thirteen shillings and fourpence; and for each unit over twenty units, eightpence

SECTION 2.

10

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, 15 such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

ST LUKE, CHELSEA, ELECTRIC LIGHTING.

A.D. 1891.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the New Cadogan and Belgrave Electric Supply Company, Limited, in respect of a part of the

*St. Luke,
Chelsea.*

5

parish of St. Luke, Chelsea.

Preliminary.

1. This Order may be cited as the St. Luke, Chelsea, Electric Lighting Order, 1891. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act"; and the several words, terms, and expressions to which by the principal Act meanings are assigned, shall have in this Order the same respective meanings, provided that in this Order— Interpretation.

15 The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882:

20 The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied:

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street, subway, or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for purposes of general supply:

25 The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

30 The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

The expression "general supply" shall mean the general supply of energy to ordinary consumers, and, unless otherwise specially agreed with the local authority, to the public lamps, but shall not include the supply of energy to any one or more particular consumers under special agreement:

35 The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order:

40 The expression "subway" shall mean any passage or covered way under the surface of a street constructed for the reception of pipes or wires:

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*St. Luke,
Chelsea.*

The expression "county council" shall mean the London County Council, and the provisions of this Order in which the county council is expressly mentioned shall be construed without derogation to powers, duties, and liabilities of that council as local authority under this Order and the principal Act:

5

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers:

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines:

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The expression "telegraphic line," when used with respect to any telegraphic line of the Postmaster-General, shall have the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected:

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The expression "railway" shall include any tramroad, that is to say, any tramway other than a tramway as herein-after defined:

The expression "tramway" shall mean any tramway laid along any street:

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The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof:

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule" shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively:

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The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade:

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and, where possible, a section drawn to the same horizontal scale as the plan, and to a vertical scale of at least one inch to eleven feet, with such detail plan and sections as may be necessary.

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Commence-
ment of
Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

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Address and description of the Undertakers.

Address and
description of
Undertakers.

4. The Undertakers for the purposes of this Order are the New Cadogan and Belgrave Electric Supply Company, Limited, being a company registered under the Companies Acts, 1862 to 1886, with limited liability, and having its registered offices at 91, Manor Street, Chelsea, in the county of London.

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Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this

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Order, or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

A.D. 1891.

*St. Luke,
Chelsea.*

- 5 The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license, Provisional Order, or special Act, unless the Undertakers are authorised by Parliament to do so.

- 10 If in contravention of this section the Undertakers purchase or acquire any such undertaking, or associate themselves with such other company or person, the Board of Trade may if they think fit revoke this Order upon such terms as they may think just.

Area of Supply.

- 15 5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured pink and blue.

Area of supply.

- 20 6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament, or under a license granted by the Board of Trade under the principal Act.

Prohibition
of supply
beyond area
of supply.

- 25 If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

- 30 7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

Security for
execution of
works.

- 35 The Undertakers shall also, within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of one thousand pounds.

- 40 If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above-mentioned, or fail to deposit or secure such sum as aforesaid, the Board of Trade may, after considering any representations which the local authority or the county council may make, revoke this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply upon such terms as they may think just.

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*St. Luke,
Chelsea.*

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector, to be appointed by the Board of Trade, that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, or at such earlier dates and by such instalments as may be approved by the Board of Trade.

Separate
accounts to
be kept of
undertaking.

8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the local authority and county council may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

Audit of
Undertakers'
accounts.

9. The annual statement of accounts of the undertaking before being published as provided by section nine of the Electric Lighting Act, 1882, shall so long as the local authority are not the undertakers, be examined and audited by such competent and impartial person as the Board of Trade shall appoint, and the remuneration of the auditor shall be such as the Board of Trade shall direct, and the same and all expenses incurred by him in or about the execution of his duties to such an amount as the Board of Trade shall approve shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt.

The Undertakers shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit, and shall, when required, furnish to him and them all vouchers and information requisite for such purpose, and shall afford to him and them all facilities for the proper execution of his and their duty.

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted, or otherwise, for the purpose of giving effect to the provisions of this section.

Any report made by the auditor, or such portion thereof as the Board of Trade shall direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section nine,

Nature and mode of Supply.

Systems and
mode of supply.

10. Subject to the provisions of this Order and the principal Act, the Undertakers may supply energy within the area of supply for all public and private purposes, as defined by the said Act, provided as follows:—

- (1.) Such energy shall be supplied only by means of some system which shall be approved, in writing, by the Board of Trade, and subject to such regulations and conditions for securing the safety of the public, and for

insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

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Chelsea.*

5

- (2.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions (if any) of such approval.

11. The Undertakers shall not, without the express consent of the county council and of the Board of Trade, place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply.

Prohibition of
overhead
wires.

- Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except as above in this section mentioned) they shall be removed by the Undertakers within a period of one year after such commencement.

- If the Undertakers place or fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit.

Works.

12. Subject to the provisions of this Order and the principal Act, the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets not repairable by the local authority, and such railways, tramways, and canals (if any) as are specified in the Third Schedule, so far as such streets, railways, tramways, and canals may for the time being be included in the area of supply, and be, or be upon, land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Powers for
execution of
works.

- Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority, or any railway or tramway except such street railways or tramways (if any), or such parts thereof, as are specified in the said schedule, without the consent of the authority, company, or person by whom such street railway or tramway is repairable, or of the Board of Trade under section 13 of the Electric Lighting Act, 1882, and where the Board of Trade give such consent, the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates as if it had been specified in the said schedule.

13. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may construct in any

Street boxes.

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G

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*S^r. Luke,
Chelsea.*

street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes: Provided that no such box or apparatus shall be placed above ground except with the consent of the body or person by whom such street is repairable.

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Every such box shall be for the exclusive use of the Undertakers, and under their sole control, except so far as the Board of Trade may otherwise order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing, or controlling the supply of energy, 10 or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking; and the Undertakers may place therein meters, switches, and any other suitable and proper apparatus for any of the above purposes.

Every such box, including the upper surface or covering thereof, shall be 15 constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger, whether by reason of inequality of surface or otherwise.

The local authority or (if the street is repairable by them) the county council may, with the approval of the Board of Trade, prescribe the hours 20 during which the Undertakers are to have access to such boxes, and if the Undertakers during any hours not so prescribed remove or displace, or keep removed or displaced, the upper surface or covering of any box without the consent of the local authority, or county council, as the case may be, they shall be liable to a penalty not exceeding five pounds for every such 25 offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 30

Notice of
works, with
plan, to be
served on the
Postmaster-
General and
local authority.

14. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in, under, along or across any street or public bridge, the following provisions shall have effect:—

- (a.) One month before commencing the execution of such works (not being 35 the repairs, renewals, or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a notice upon the Postmaster-General and the local authority and the county council, describing the proposed works, together with a plan of the works showing the mode and position in which such works are 40 intended to be executed, and the manner in which it is intended that such street or bridge, or any sewer, drain, or tunnel therein or thereunder, is to be interfered with and shall upon being required to do so by the Postmaster-General or the local authority, or the county council, give him or them any such further information in relation thereto as 45

he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.

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*St. Luke,
Chelsea.*

(b.) The Postmaster-General or the local authority, or the county council may in his or their discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers.

(c.) Where the Postmaster-General or the local authority, or the county council approve any such works or plan, subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapprove of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter, and allow or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same.

(d.) If the Postmaster-General or the local authority, or the county council fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them, he or they shall be deemed to have approved such works and plan.

(e.) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General and the local authority, or by the Board of Trade, as above-mentioned; but where any such works, description, and plan are so approved, or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and the principal Act.

(f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority and the county council for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order, or otherwise by law, in the event of any telegraphic line of the Postmaster-General being

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*St. Luke,
Chelsea.*As to streets
not repairable
by local
authority, or
county council,
railways, tram-
ways, and
canals.

at any time injuriously affected by the Undertakers' works or their supply of energy.

15. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street or part of a street, not repairable by the local authority, or the county council, or over or under any railway, tramway, or canal, the following provisions shall have effect, unless otherwise agreed between the parties interested:—

- (a.) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal, as the case may be (in this section referred to as the "owners"), describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire. 10
- (b.) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given to the provisions thereof.
- (c.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly. 15
- (d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway, or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible. 20
- (e.) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Order and the principal Act, and only 25

in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

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*St. Luke,
Chelsea.*

- 5 (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works.
- 10 (g.) Where the repair, renewal, or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties or in cases of emergency, give to the owners not less than twenty-four hours' notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.
- 20 (h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion
- 30 that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

16. Any body or person for the time being liable to repair any street or part of a street, or liable to repair any sewer, subway, or work, or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order, may, if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, subways, tunnels, or other works vested in or under the control or management of such body or person, and may amend or revoke any such notice by another notice similarly served. Where any such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so

Street authority, &c. may give notice of desire to break up streets, &c., on behalf of Undertakers.

A.D. 1891. long as such notice remains in force the following provisions shall have effect,
St. Luke, unless otherwise agreed between the parties interested :—
Chelsea.

- (a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have required the givers of the notice to exercise or 5 discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency.
- (b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers 10 shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers 15 or duties are required to be exercised or discharged.
- (c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such 20 exercise or discharge so far as the same may be applicable.
- (d.) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the Undertakers may themselves proceed to exercise 25 or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.
- (e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or 30 duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice; but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the 35 givers of the notice.
- (f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five 40 pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 45

(g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers, and may be recovered summarily.

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5 (h.) The givers of the notice may from time to time, if they think fit, require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order. If
10 the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights
15 of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up, filling in, reinstating, or making good any such street or part of a street, or any such bridges, sewers, drains, subway, tunnels, or other works, or railway, or
20 tramway, as in this section mentioned.

17. The Undertakers may alter the position of any pipes (not forming part of any sewer of the county council or the local authority), or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the
25 principal Act or this Order; and any body or person may in like manner alter the position of any electric lines or work of the Undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place, subject to the following provisions, unless otherwise
30 agreed between the parties interested :

As to alteration of pipes, wires, &c. under streets.

(a.) One month before commencing any such alterations the Undertakers or such body or person (as the case may be), in this section referred to as "the operators," shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the
35 case may be), in this section referred to as "the owners," describing the proposed alterations, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

40 (b.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof, or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration; and
45 thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.

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- (c.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works, so as to avoid interference with any purpose for which such pipes, wires, electric lines, or works are used so far as may be possible. 5
- (d.) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties. 10 15 20
- (e.) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such notification as herein-after provided. 25
- (f.) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made. 30
- (g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable. 35
- (h.) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them. 40
- (i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators, and may be recovered summarily. 45

(j.) Any owners may, if they think fit, by any statement served by them under this section upon any operators not being the county council or a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.

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(k.) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid, if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

18. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the county council or the local authority, or any main, pipe, syphon, electric line, or other work belonging to any gas electric supply or water company has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or such gas or water company (as the case may be), in this section referred to as "the operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the county council or the local authority or to such gas electric supply or water company or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than fourteen days' notice before commencing to dig or sink such trench as aforesaid, and such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

Laying of
 electric lines,
 &c. near
 sewers, &c., or
 gas or water
 pipes, or other
 electric lines.

Where the operators find it necessary to undermine, but not alter, the position of any pipe, electric line, or work, they shall temporarily support the

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same in position during the execution of their works, and before completion provide a suitable and proper foundation for the same, where so undermined.

The owners, upon giving notice to the Undertakers during the fourteen days herein-before referred to, of their desire to execute any work to which the provisions of this section apply, may themselves execute the same, and in case they give such notice, they shall execute such work with due care and diligence, and shall be subject to the like restrictions and conditions as the operators would themselves be subject to in respect of the same, and the reasonable costs of executing such works shall be repaid by the operators to the owners: Provided always, that the provisions of this paragraph shall not apply so long as any like notice from the county council, the local authority, or other body or person under the provision of the section of this Order, whereof the marginal note is "street authority, &c., may give notice to break up streets, &c., on behalf of Undertakers," remains in force.

Provided always, that when the Undertakers or any gas company desire to lay a service pipe or line to a house or premises already connected by a service pipe or line with the works of the gas company or the Undertakers, as the case may be, forty-eight hours' notice shall be given by the Undertakers or the gas company as the case may be, to the other of them, and in that case the provisions of this section so far as applicable, shall then apply to such service pipes or lines accordingly.

Where the operators being the Undertakers lay any electric line crossing or liable to touch any mains, pipes, lines, or services belonging to any gas, electric supply, or water company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade; and the Undertakers shall not except with the consent of the gas, electric supply, or water company, as the case may be, and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, lines, or services, or except with the like consent employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas; the expression "water company" shall mean any body or person lawfully supplying water or water power; and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

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19. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways, tunnels, arches, works, or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection
of railway and
canal com-
panies.

20.—(1.) The Undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down, or placed their electric lines or other works or worked their undertaking in contravention of this sub-section, and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby, such question shall be determined by arbitration, and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section, and the Undertakers shall make such alterations or additions accordingly.

For protection
of telegraphic
and telephonic
wires.

(2.) Seven days before commencing to lay down or place any electric line, or to use any electric line, in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line notice in writing specifying the course, nature, and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if it all) earth returns are proposed to be used; and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing, or user of such electric line for the purpose of preventing such injurious affection, and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose

A.D. 1891. of preventing the communication through such wire or line from being injuriously affected as aforesaid.

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If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration. 5

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and, in addition thereto, they shall be liable to a penalty not exceeding five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers. 10 15 20

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid. 25

Provision as to
subway.

21. Where the Undertakers desire to lay or may be required to lay any electric line in any street under the surface of which there is a subway, and the county council or the local authority (as the case may be) in whom such subway is vested serve a notice upon them requiring them to lay the same in the subway, then notwithstanding anything in any special or general Act of Parliament contained, the powers conferred by this Order or the principal Act with respect to the breaking up and interfering with streets shall not be exercised by the Undertakers as to such street, in so far as the subway extends under the surface thereof; and any electric line to which this section applies shall be laid in the subway in such manner and position as the county council or local authority shall direct or approve. 30 35

Where any electric line of the Undertakers has been laid in any such subway before the commencement of this Order or shall be so laid under the provisions of this section, they shall pay to the county council or local authority in whom the subway is vested such reasonable rent for the use thereof as may be settled by agreement, or in case of difference, by arbitration: Provided that the Undertakers shall have access to such subway at all such reasonable times, and subject to such conditions as may be settled in like manner. 40

Compulsory Works.

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Chelsea.*Mains, &c. to
be laid down
in streets
specified in
Second
Schedule and
in remainder of
area of supply.

22.—(1.) The Undertakers shall, within a period of two years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule, and shall thereafter maintain the same.

(2.) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them, or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act, 1882, for the written consent of the Board authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

23. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer, and not for the purposes of general supply, the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the Undertakers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require, in accordance with the provisions of this Order, that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

As to laying
of electric line
under special
agreement.

24. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged, they may, after considering any representations of the county council or the local

If Undertakers
fail to lay
down mains,
&c., Order may
be revoked.

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authority, revoke this Order as to the whole or with the consent of the Undertakers, any part of the area of supply, or if the Undertakers so desire, may, after having given an opportunity to the county council and the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose, and any conditions so imposed shall be binding on and observed by the Undertakers, and shall be of the like force and effect in every respect as though they were contained in this Order. 5

Manner in
which requisition
is to be made.

25. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by two or more owners or occupiers of premises along such street or part of a street, or, where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority. 10 15

Every such requisition shall be signed by the persons making the same or by the local authority (as the case may be), and shall be served upon the Undertakers.

Forms of requisitions shall be kept by the Undertakers at their office, and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same, and any requisition so supplied shall be deemed valid in point of form. 20

Provisions on
requisition
by owners or
occupiers.

26. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom the requisition is signed, stating that they decline to be bound by such requisition, unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for two years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not, without the authority of the Board of Trade, specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains, and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply. 25 30 35 40

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons, or some of them, 45

binding them to take, or guaranteeing that there shall be taken, for a period of two years at the least, such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration

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5 under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

10 If the Undertakers consider that the requisition is unreasonable, or that under the circumstances of the case the provisions of this section ought to be varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, who after such inquiry, if any, as they shall think fit, may by order either determine that the requisition is
15 unreasonable and shall not be binding upon the Undertakers, or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than two years, and to specify such sum or percentage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the Order, and the terms of the above-mentioned
20 agreement shall be varied accordingly.

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing
25 any such requisition as to any such notice or agreement such difference shall, subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

27. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service
30 is effected, or within fourteen days thereafter, there be tendered to the Undertakers (if required by them) an agreement executed by the local authority, and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their
35 management or control.

Provisions on
requisition by
local authority.*Supply.*

28. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are, for the time being, required to
40 maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions, subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and
45 conditions as aforesaid, and they shall furnish and lay any electric lines that

Undertakers
to furnish
sufficient
supply of
energy to
owners and
occupiers
within the area
of supply.

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may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following; (that is to say):

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers, although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence: and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

Provided also, that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner, or uses the energy supplied to him by the Undertakers for any purposes, or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises as long as such uses continues.

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Chelsea.*

Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers
5 or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined by arbitration.

29. The maximum power with which any such consumer shall be entitled
10 to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one
15 month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt.
- 20 If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises, or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

Maximum
power.

30. The Undertakers, upon receiving reasonable notice from the local
25 authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations and conditions subject to which they are authorised to supply energy
30 under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may from time to time require to be supplied.

Supply of
energy to
public lamps.

31. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to
35 supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Penalty for
failure to
supply.

- Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this
40 Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp, and for each day on which any such default occurs.

- Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which
45 they are authorised to supply energy under this Order, they shall be liable to

A.D. 1891: such penalties as may by such regulations and conditions be prescribed in that behalf.

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Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or *force majeure* or was of so slight or unimportant a character as not materially to affect the value of the supply.

10

Price.

Methods of
charging.

32. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1.) By the actual amount of energy so supplied; or
- (2.) By the electrical quantity contained in such supply; or
- (3.) By such other method as may for the time being be approved by the Board of Trade.

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Provided that where the Undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him, at their option, by the actual amount of energy supplied to him or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

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Provided also, that before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the county council and the local authority by what method they propose to charge for energy supplied through such main; and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement; and, where the Undertakers have given any such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the county council and the local authority and to every consumer of energy who is supplied by them from such main.

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Maximum
prices.

33. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade such price as the Board of Trade shall on approving such method determine.

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Provided that if the county council, the local authority, or the Undertakers, shall, at any time after the expiration of seven years from the twenty-sixth day of August, 1889, make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered, the Board of Trade,

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after such inquiry as they may think fit, may make an order varying the prices or methods of charge stated in the said schedule, or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order, as if they had been stated in the said schedule: Provided also, that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

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- 10 34. Subject to the provisions of this Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned, the Undertakers may make any agreement with a consumer as to the price to be charged for energy, and the mode in which such charges are to be ascertained,
15 and may charge accordingly.

Other charges
by agreement.

35. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained, shall be settled by agreement between the local authority and the Undertakers, and, in case of difference, by arbitration,
20 regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district.

Price to public
lamps.*Electric Inspectors.*

36. The county council, so long as they are not themselves the Undertakers for the purposes of this Order, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

Appointment
of electric
inspectors.

- If no electric inspector is appointed by the county council, or if the county council themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any consumer or of the Undertakers, may from time to time appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

- The duties of an electric inspector under this Order shall be as follows:—

- 35 (a.) The inspection and testing periodically and in special cases of the Undertakers' electric lines and works and the supply of energy given by them.

(b.) The certifying and examination of meters; and

- 40 (c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The county council, with the approval of the Board of Trade, or the Board of Trade if the inspector is appointed by them, may prescribe the manner in

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which and the times at which any such duties are to be performed by an electric inspector and also the fees to be taken by him, and such fees shall be accounted for and applied as may be decided by the local authority or the Board of Trade as the case may be.

Remuneration
of electric
inspectors.

37. The county council may pay to any electric inspector appointed by them under this Order, such reasonable remuneration (if any) as they may determine, and such remuneration may be in addition to, or in substitution for, any fees directed to be paid to electric inspectors in respect of their duties under this Order, or any regulations of the Board of Trade made in pursuance of this Order or the principal Act according as the county council shall determine.

Inquiry by
Board of
Trade.

38. The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertaker's works, or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with by the Undertakers; and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

*Testing and Inspection.*Testing of
mains.

39. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains. Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of
works and
supply on
consumer's
premises.

40. An electric inspector if and when required to do so by any consumer shall on payment by the consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of

this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy. A.D. 1891.

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Undertakers
to establish
testing stations.

41. The Undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost, and keep in proper condition, such reasonable number of testing stations as the county council shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

- If any dispute arises between the county council and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any excessive or improper use of energy for such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

42. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence.

Undertakers
to keep
instruments
on their
premises.

43. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence.

Readings of
instruments to
be taken.

44. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Electric in-
spector may
test Under-
takers' instru-
ments.

45. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection.

Representation
of Undertakers
at testings.

46. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or

Undertakers
to give facili-
ties for testing.

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under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound.

Report of
results of
testing.

47. Every electric inspector shall, on the day immediately following that 5 on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence.

If the Undertakers, or any such authority or person are or is dissatisfied 10 with any report of any electric inspector, they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties.

Expenses of
electric
inspector.

48. Save as otherwise provided by this Order, or by any regulations under 15 this Order, all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade, and shall be paid by the Undertakers. Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of 20 any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the court or Board having regard to such report or decision shall direct, and may be recovered summarily as a civil debt.

Provided also, that in any proceedings for penalties under this Order any 25 such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

*Meters.*Meters to be
used except by
agreement.

49. The amount of energy supplied by the Undertakers to any ordinary 30 consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meter to be
certified.

50. A meter shall be considered to be duly certified under the provisions 35 of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter, and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade; and every such meter is in this Order referred to as a "certified meter": Provided that where any 40 alteration is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

51. Every electric inspector, on being required to do so by the Undertakers or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value of the supply, and shall certify the same as a certified meter if he
 5 considers it entitled to be so certified.

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 —
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Chelsea.
 Inspector to
 certify meters.

52. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be
 10 duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable hours, and execute all necessary works and do all necessary acts; provided that previously to supplying any such meter the Undertakers
 15 may require such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or, if he desires to hire such meter, may require him to enter into an agreement for the hire of such meter as herein-after provided.

Undertakers
 to supply
 meters if
 required to
 do so.

53. No consumer shall connect any meter used or to be used under this
 20 Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line, unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence
 25 to a penalty not exceeding forty shillings.

Meters not to
 be connected
 or disconnected
 without notice.

54. Every consumer shall at all times, at his own expense, keep all meters belonging to him, whereby the value of the supply is to be ascertained, in proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

Consumer to
 keep his meter
 in proper
 order.

30 The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall,
 35 if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

55. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money, and
 40 on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings, as may be agreed upon between the hirer and the Undertakers, or in case of difference, decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Power to the
 Undertakers
 to let meter.

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*St. Luke.
Chelsea.*Undertakers
to keep meter
let for hire
in repair.

56. The Undertakers shall, unless the agreement of hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified, where such re-certifying is thereby rendered necessary, shall be paid by the Undertakers.

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Differences
as to correct-
ness of meter
to be settled
by inspector.

57. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined, upon the application of either party, by an electric inspector, (or, where the county council are the consumers, by an inspector to be appointed by the Board of Trade), who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid, the register of the meter shall be conclusive evidence, in the absence of fraud, of the value of the supply.

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Undertakers
to pay
expenses of
providing
new meters
where method
of charge
altered.

58. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the Undertakers change the method of charging for energy supplied by them from such main, the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

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Undertakers
may place
meters to
measure
supply or
to check
measurement
thereof.

59. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum power taken by such consumer, or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern, and shall be fixed and connected with the service lines in some manner approved by the Board of Trade, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

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Maps.

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*St. Luke,
Chelsea.*Map of area of
supply to be
made and
deposited.

60. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also if so required by the Board of Trade or the Postmaster-General or the county council cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the Undertakers at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants, and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The Undertakers shall, if so required by the Board of Trade, or the Postmaster-General, or the county council, or the local authority, supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections, they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

Special provisions in case of Transfer.

61. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

Application
of moneys
received by
local authority
as Under-
takers.

(A.) All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money, (b) money arising from the disposal of lands acquired for the purposes of this Order, and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order, shall be applied by them as follows:—

(1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs, expenses, penalties, and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers, their officers, or servants, in relation to the undertaking.

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- (2.) In payment of the interest or dividend on any mortgages, stock, or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes.
- (3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes. 5
- (4.) In payment of all other their expenses of executing this Order, not being expenses properly chargeable to capital.
- (5.) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, and the resulting income thereof, in Government securities, or in any other securities in which trustees are by law 10 for the time being authorised to invest, other than stock or securities of the Undertakers, and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking, which fund shall 15 be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking, or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the 20 prescribed limit, and so from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund, when amounting to the prescribed limit, to the credit of the local rate as defined by the principal 25 Act, or, at their option, shall apply such surplus or any part thereof, to the improvement of the district for which they are the local authority, or in reduction of the capital moneys borrowed for electricity purposes.

Provided always, that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the 30 undertaking, the Undertakers shall make such a rateable reduction in the charge for the supply of energy as, in their judgment, will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority. 35

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

- (B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking 40 under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

- (1.) In the reduction of the capital moneys borrowed by them for electricity purposes ; 45

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

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Chelsea.*

Purchase and
use of lands.

62. If the local authority become the Undertakers for the purposes of this Order, the following provisions shall have effect:—

- 5 Subject to the provisions of this Order and the principal Act, the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and
- 10 may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres, except with the consent of the Board of Trade.
- 15 Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more houses which, after the commencement of this Order, have been, or on the fifteenth day of December last, were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.
- 20 For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others, except members of their own family and persons other than domestic servants, whose income does not
- 25 exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

63. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this
- 30 Order, and in the construction of the said provisions "this Act" shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers.

Incorporation
of sections 264
and 265 of
Public Health
Act, 1875.

Notices, &c.

64. Notices, orders, and other documents under this Order may be in
- 35 writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the county council or the local authority, the signature thereof by the clerk or surveyor to the county council or the local authority shall be sufficient authentication.

Notices, &c.
may be
printed or
written.

65. Any notice, order, or document required or authorised to be served
- 40 upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:—

Service of
notices, &c.

(a.) In the case of the Board of Trade, the office of the Board of Trade;

(b.) In the case of the Postmaster-General, the General Post Office;

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- (c.) In the case of the county council, the office of such council ;
- (d.) In the case of any local authority, the office of such local authority ;
- (e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company ;
- (f.) In the case of a company having an office or offices, but no registered office, the principal office of that company ;
- (g.) In the case of any other person, the usual or last known place of abode of such person.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description. 10

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises. 15

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days, the following days shall not be reckoned in the computation of such time, that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving. 20 25

Purchase by Local Authority.

Purchase by
local authority.

66. In lieu of the period of forty-two years from the date mentioned in section two of the Electric Lighting Act, 1888, there shall be substituted, for the purposes of this Order, a period of forty-two years from the twenty-sixth day of August, one thousand eight hundred and eighty-nine, and the other provisions of the said section shall apply accordingly. 30

Revocation of Order.

Revocation
of Order where
Undertakers
are insolvent.

67. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade may after such inquiry as they may think necessary, and after considering any representations of the county council, or the local authority, revoke this Order as to the whole, or, with the consent of the Undertakers, as to any part of the area of supply. 35 40

68. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers and of the county council and of the local authority) as to any part of the area of supply.

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*St. Luke,
Chelsea.*Revocation
of Order where
undertaking
cannot be
carried on
with profit.

69. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers, the county council, and the local authority, upon such terms as the Board of Trade may think just.

Revocation
of Order with
consent.

70. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect :

Provisions
where Order
revoked.

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers, and upon the county council and the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine.

(b.) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking, or such part thereof as aforesaid, upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act.

(c.) Where any purchase is so effected, the undertaking or part thereof so purchased shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the Undertakers or attaching to the undertaking; and the revocation of this Order as to the whole of the area of supply, or such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obligations of the Undertakers from whom the undertaking, or such part thereof as aforesaid, is purchased in relation to the supply of energy within such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority.

(d.) Where no purchase has been effected under the preceding provisions of this section, the local authority and any body or person who may be liable to repair any street or part of a street in which any works

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of the Undertakers may have been placed may (subject, however, to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care, and the Undertakers shall pay to the local authority or other such body or person 5 as aforesaid such reasonable costs of such removal, and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them) as may be settled by arbitration. 10

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice, or the delivery of the award of the arbitrator (as the case may be), the local authority or other such body or person as aforesaid may, without any previous notice to the Undertakers (but without prejudice to any other 15 remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit; and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid 20 and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

(e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part 25 thereof as aforesaid, or the exercise of any powers by this Order granted to the Undertakers, or for any expenses to which such local authority, body, or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may 30 have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims and 35 the persons to whom it is to be paid shall be determined by an arbitrator to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

*General.*Remedying of
system and
works.

71. If at any time it is represented to the Board of Trade (a) that the 40 Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth in contravention of this Order, or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the 45

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regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order, or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-
 5 General, the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so
 10 limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also, if they think fit, by the same or any other order made upon any such representation as aforesaid, forbid the use of any electric line or work, as from such date as may be specified in that behalf until
 15 the order is complied with or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

If the Undertakers supply energy otherwise than by means of a system
 20 which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

72. All regulations and conditions made by the Board of Trade under this
 25 Order or the principal Act affecting the undertaking and for the time being in force shall, within one month after the same as made or last altered have come into force, be printed at the expense of the Undertakers, and true copies thereof certified by or on behalf of the Undertakers shall be forthwith served upon the county council and the local authority, and like copies shall
 30 also be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

Publication of
regulations.

If the Undertakers made default in complying with the provisions of this section, they shall be liable to a penalty not exceeding five pounds, and to a
 35 daily penalty not exceeding five pounds.

73. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties or as, in default of agreement, may be determined, on the application of either party, by a court
 40 of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every
 45 sum of ten shillings so deposited for every six months during which the same remains in their hands.

Nature and
amount of
security.

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*St. Luke,
Chelsea.*Proceedings
of Board of
Trade.

74. All things required or authorised under this Order to be done by to or before the Board of Trade, may be done by to or before the President or a secretary or assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade, and to be sealed with the seal of the Board or to be signed by a secretary or 5 assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence 10 of the Act so certified.

Approval or
consent of
Board of
Trade.

75. Where this Order provides for any consent or approval of the Board of Trade, the Board may give such consent or approval, subject to terms or conditions, or may withhold their consent or approval as in their discretion they may think fit. 15

All costs and expenses of or incident to any approval, consent, certificate, or order of the Board of Trade, or of any inspector or person appointed by the Board of Trade, including the costs of any inquiry or tests for the purpose of determining whether the same shall be given or made to such an amount as the Board of Trade shall certify to be due, shall be borne and paid 20 by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants, and may as they think fit, revoke any approval so given, or permit 25 such approval to be continued, subject to such modifications as they may think necessary.

Notice of
approval of
Board of
Trade, &c., to
be given by
advertisement.

76. Where the Board of Trade, upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or where the Board of Trade, 30 upon the application of the county council, the local authority, or the Undertakers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local 35 newspaper by the body by whom such application was made as aforesaid.

Notice of
application
for extension
of time, &c.,
to be given to
local authority.

77. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers, notice of such application shall be served on the county council and the local authority 40 by the Undertakers, and an opportunity shall be given to the county council and the local authority to make representations or objections with reference thereto.

Recovery and
application of
penalties.

78. All penalties, fees, expenses, and other moneys recoverable under this Order, or under any regulations made under this Order or the principal Act,

the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

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Chelsea.

Any penalty recovered on prosecution by an officer of the county council shall, if there is any electric inspector for the time being appointed by such council, be paid to such officer and by him to the county council, and shall be carried to the county fund.

Any penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court shall so direct, be paid to such body or person.

Save as aforesaid all penalties recovered summarily under this Order shall be applied according to the law regulating the application of penalties so recovered within the metropolitan police district.

79. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Undertakers
to be respon-
sible for all
damages.

80. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section 2 of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

As to mort-
gages.

81. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving clause
for Postmaster-
General.

82. Nothing in this Order shall authorise the Undertakers to break up or otherwise interfere with any embankment, park, or open space for the time being vested in the county council or the local authority, except so far as any part of such embankment, park, or open space forms part of a street, or to interfere with or make use of any tunnel, sewer, or subway so vested, except with the consent in writing of such council or authority, and subject to such terms and conditions as they may impose.

Saving for
embankments,
&c., of the
county council.

*St. Luke,
Chelsea.*Undertakers
not exempted
from proceed-
ings for
nuisance.Provisions
as to general
Acts.

83. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance, in the event of any nuisance being caused by them.

84. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity, or to the supply of or price to be charged for energy, which may be passed after the commencement of this Order.

SCHEDULES.

FIRST SCHEDULE.

10

Area of Supply.

Such part of the parish of Saint Luke, Chelsea, in the administrative county of London as lies within the following boundaries:—

A line drawn from the centre of the carriage road at the junction of Beaufort Street and the Chelsea Embankment, following the centre line of the said embankment in an easterly direction till it meets the boundary of the parishes of Saint Luke, Chelsea, and Saint George, Hanover Square, then following the boundary of those parishes in a northerly direction to the north-eastern extremity of the parish of Saint Luke, Chelsea, then following the boundary of the parish of Saint Luke, Chelsea, in a westerly and south-westerly direction to the junction of Fulham Road and Beaufort Street, then in a southerly direction following the centre line of Beaufort Street to the Chelsea Embankment at Battersea Bridge.

Provided that in case of difference between the above description and the area delineated upon the deposited map the latter shall prevail.

SECOND SCHEDULE.

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*St. Luke,
Chelsea.*

List of Streets and Parts of Streets throughout which the Undertakers are to lay distributing Mains within a period of two years after the commencement of this Order.

- | | | |
|----|--|---|
| 5 | Manor Street, between the Undertakers' works, No. 91, Manor Street, and Cheyne Walk.
Cheyne Walk,
Chelsea Embankment. | Lennox Gardens.
Milner Street, from the south-west corner of Lennox Gardens to Cadogan Square.
Walton Street, from the west end of Pont Street to the south end of Beauchamp Place. |
| 10 | Tite Street.
Tedworth Square from Tite Street to Ralston Street, and from Ralston Street to Redesdale Street.
Redesdale Street, from the north-east corner of Tedworth Square to Smith Street. | Oakley Street.
Sloane Street.
Sloane Square,
Cadogan Place.
Lowndes Square. |
| 15 | Smith Street, from Redesdale Street to King's Road.
King's Road, from Smith Street to Sloane Square, and from Oakley Street to Church Street. | Fulham Road, from the north-east corner to the north-west corner of Elm Park Gardens.
Elm Park Gardens.
Elm Park Road.
Church Street, from King's Road to Elm Park Road. |
| 20 | Cadogan Gardens.
Cadogan Square.
Pont Street. | Manresa Road, from King's Road to the New Free Library, Manresa Road. |
| 25 | Hans Place, from Pont Street to York Street along the west and north sides of Hans Place. | |

THIRD SCHEDULE.

- List of Streets not repairable by the Local Authority, Railways, and Tramways, which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.*

- | | |
|----|---------------------------|
| 30 | (a.) Streets :—
None. |
| 35 | (b.) Railways :—
None. |
| | (c.) Tramways :—
None. |

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St. Luke,
*Chelsea.*FOURTH SCHEDULE.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

SECTION 1.

5

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units, thirteen shillings and fourpence; and for each unit over twenty units, eightpence.

SECTION 2.

10

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in Section 1 of this Schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, 15 such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

ST. LUKE, MIDDLESEX, ELECTRIC LIGHTING.

A.D. 1891.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Brush Electrical Engineering Company, Limited, in respect of the parish of St. Luke, Middlesex.

*St. Luke, Middlesex.**Preliminary.*

1. This Order may be cited as the St. Luke, Middlesex, Electric Lighting Order, 1891. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act," and the several words, terms, and expressions to which by the principal Act meanings are assigned, shall have in this Order the same respective meanings, provided that in this Order— Interpretation.

The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882 :

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied :

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street, subway, or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply :

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer, either from any main or directly from the premises of the Undertakers :

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply :

The expression "general supply" shall mean the general supply of energy to ordinary consumers, and, unless otherwise specially agreed with the local authority, to the public lamps, but shall not include the supply of energy to any one or more particular consumers under special agreement :

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order :

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Middlesex.*

The expression "subway" shall mean any passage or covered way under the surface of a street constructed for the reception of pipes or wires :

The expression "county council" shall mean the London County Council, and the provisions of this Order, in which the county council is expressly mentioned, shall be construed without derogation to the powers, duties, and liabilities of that council as local authority under this Order and the principal Act :

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers :

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines :

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act, 1878, and any such telegraphic lines shall be deemed to be injuriously affected where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected :

The expression "railway" shall include any tramroad, that is to say, any tramway other than a tramway as herein-after defined :

The expression "tramway" shall mean any tramway laid along any street :

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof :

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule," shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively :

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order, and signed by an assistant secretary to the Board of Trade.

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and, where possible, a section drawn to the same horizontal scale as the plan, and to a vertical scale of at least one inch to eleven feet, with such detail plan and sections as may be necessary.

Commence-
ment of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Address and Description of the Undertakers.

Address and
description of
Undertakers.

4. The Undertakers for the purposes of this Order are the Brush Electrical Engineering Company, Limited, being a company registered under the Companies Acts, 1862 to 1890, with limited liability, and having its registered offices at No. 112, Belvedere Road, S.E.

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*St. Luke,
Middlesex.*

Provided that if the undertaking, or any part thereof, is at any time purchased by the local authority in accordance with the provisions of this Order, or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license, Provisional Order, or special Act, unless the Undertakers are authorised by Parliament to do so.

10 If in contravention of this section the Undertakers purchase or acquire any such undertaking, or associate themselves with such other company or person, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think just.

Area of Supply.

15 5. Subject to the provisions of this Order, the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red.

Area of supply.

20 6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament, or under a license granted by the Board of Trade under the principal Act.

Prohibition of
supply beyond
area of supply.

25 If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

Security for
execution of
works.

35 The Undertakers shall also within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of one thousand pounds.

40 If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned, or fail to deposit or secure such sum as aforesaid, the Board of Trade may, after considering any representations which the county council or the local authority may make, revoke this Order as to the whole, or, with

A.D. 1891. the consent of the Undertakers, any part of the area of supply, upon such terms as they may think just.

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Middlesex.*

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector, to be appointed by the Board of Trade, that amounts equal to the sum so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, or at such earlier dates, and by such instalments as may be approved by the Board of Trade. 5 10

Separate
accounts to
be kept of
undertaking.

8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the county council and the local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business. 15

Audit of
Undertakers'
accounts.

9. The annual statement of accounts of the undertaking, before being published as provided by section nine of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the Board of Trade shall appoint, and the remuneration of the auditor shall be such as the Board of Trade shall direct, and the same and all expenses incurred by him in or about the execution of his duties, to such an amount as the Board of Trade shall approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt. 20 25

The Undertakers shall give to the auditor, his clerks, and assistants, access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit, and shall, when required, furnish to him and them all vouchers and information requisite for such purpose, and shall afford to him and them all facilities for the proper execution of his and their duty. 30

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted, or otherwise for the purpose of giving effect to the provisions of this section. 35

Any report made by the auditor, or such portion thereof as the Board of Trade shall direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section nine.

Nature and Mode of Supply.

40

Systems and
mode of
supply.

10. Subject to the provisions of this Order and the principal Act, the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act, provided as follows:—

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade, and subject to such 45

regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

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Middlesex.

(2.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval.

10 *Prohibition of Overhead Wires.*

11. The Undertakers shall not without the express consent of the County Council and of the Board of Trade place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply.

Prohibition
of overhead
wires.

Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except as above in this section mentioned), they shall be removed by the Undertakers within a period of one year after such commencement.

12. If the Undertakers place or fail to remove any electric lines in contravention of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made, may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit.

Works.

12. Subject to the provisions of this Order and the principal Act, the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets, not repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule, so far as such streets, railways, and tramways may for the time being be included in the area of supply, and be or be upon land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Powers for
execution of
works.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway, except such streets, railways, or tramways (if any) or such parts thereof as are specified in the said schedule, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, or of the Board of Trade under section thirteen of the Electric Lighting Act, 1882, and where the Board of Trade gives such consent the provisions of this Order shall apply to the

A.D. 1891. street, railway, or tramway to which the consent relates as if it had been specified in the said schedule.

St. Luke,
Middlesex.
Street boxes.

13. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of such boxes. 5

Provided that no such box or apparatus shall be placed above ground, except with the consent of the local authority, body, or person, by whom such street is repairable. 10

Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Board of Trade may otherwise order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing or controlling the supply of energy, or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking, and the Undertakers may place therein meters, switches, and any other suitable and proper apparatus for any of the above purposes. 15

Every such box, including the upper surface or covering thereof, shall be constructed of such materials, and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise. 20

The local authority or (if the street is repairable by them) the county council may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such boxes, and if the Undertakers, during any hours not so prescribed, remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority or county council, they shall be liable to a penalty not exceeding five pounds for every such offence and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 35

Notice of
works, with
plan to be
served on the
Postmaster-
General and
local authority.

14. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in, under, along, or across any street or public bridge, the following provisions shall have effect:

(a.) One month before commencing the execution of such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a notice upon the Postmaster-General and the local authority and the county council describing the proposed works, together with a plan of the works showing the mode and position in which such works are 45

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intended to be executed and the manner in which it is intended that such street or bridge, or any sewer, drain, or tunnel therein or thereunder, is to be interfered with, and shall, upon being required to do so by the Postmaster-General or the local authority or county council give him

5 or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.

(b.) The Postmaster-General or the local authority or the county council may in his or their discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same and may give notice of such approval or disapproval to the Undertakers.

10 (c.) Where the Postmaster-General or the local authority or the county council approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapprove of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter, and allow or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same.

15 (d.) If the Postmaster-General or the local authority or the county council fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them, he or they shall be deemed to have approved such works and plan.

20 (e.) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved or is deemed to have been approved by the Postmaster-General and the local authority, and the county council, or by the Board of Trade, as above mentioned; but where any such works description and plan are so approved or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of the principal Act.

25 (f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority and the county council for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that

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the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy.

As to streets
not repairable
by local
authority or
county council,
railways,
tramways,
and canals.

15. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street, or part of a street not repairable by the local authority or county council, or over or under any railway, tramway, or canal, the following provisions shall have effect unless otherwise agreed between the parties interested :—

- (a.) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the "owners," describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.
- (b.) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof.
- (c.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.
- (d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway, or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible.
- (e.) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been

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so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

5 (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works.

10 (g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency give to the owners not less than 24 hours' notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

15 (h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

20 16. Any body or person for the time being liable to repair any street or part of a street, or liable to repair any sewer, subway, or work, or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order, may if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, subways, tunnels, or other works, vested in or under the control or management of such body or person, and may amend or revoke any such notice by another notice

Street
authority, &c.,
may give notice
of desire to
break up
streets, &c.,
on behalf of
Undertakers.

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similarly served. Where any such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested :—

- (a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency. 5
- (b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged. 15
- (c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable, 20
- (d.) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice. 30
- (e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice: but in such case the Undertakers shall, within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice. 35
- (f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid, if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers 40 45

complied with the requirements of this section so far as was reasonable under the circumstances.

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(g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers, and may be recovered summarily.

(h.) The givers of the notice may if they think fit require the Undertakers to give them such security for the repayment to them of any expenses incurred, or to be incurred by them under this section, as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act, in relation to the execution of any works beyond the actual breaking up, filling in, reinstating, or making good any such street, or part of a street, or any such bridges, sewers, drains, subways, tunnels, or other works, or railway or tramway, as in this section mentioned.

17. The Undertakers may alter the position of any pipes (not forming part of any sewer of the county council or the local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order; and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested:—

As to alteration of pipes, wires, &c. under streets.

(a.) One month before commencing any such alterations the Undertakers, or such body or person (as the case may be), in this section referred to as "the operators," shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the case may be), in this section referred to as "the owners," describing the proposed alterations, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

(b.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon

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such notice or plan as aforesaid shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.

- (c.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes, wires, electric lines, or works are used so far as may be possible. 5
- (d.) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties. 10 13 20
- (e.) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such notification as herein-after provided. 25
- (f.) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made. 30 35
- (g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable. 40
- (h.) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them. 45

(i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators, and may be recovered summarily.

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(j.) Any owners may, if they think fit, by any statement served by them under this section upon any operators, not being the county council or a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.

(k.) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

18. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the county council, or of the local authority, or any main, pipe, syphon, electric line, or other work belonging to any gas electric supply, or water company, has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or such gas or water company (as the case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested or in case of sudden emergency, give to the county council or local authority, or to such gas, electric supply, or water company, or to the Undertakers (as the case may be) in this section referred to as the "owners," not less than fourteen days' notice before commencing to dig or sink such trench as aforesaid, and such owners, shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

Laying of
electric lines,
& c. near
sewers, &c., or
gas or water
pipes, or other
electric lines.

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Where the operators find it necessary to undermine but not alter the position of any pipe, electric line, or work they shall temporarily support the same in position during the execution of their works, and before completion provide a suitable and proper foundation for the same where so undermined.

The owners, upon giving notice to the Undertakers during the fourteen 5 days herein-before referred to of their desire to execute any work to which the provisions of this section apply, may themselves execute the same, and in case they give such notice they shall execute such work with due care and diligence, and shall be subject to the like restrictions and conditions as the operators would themselves be subject to in respect of the same, and the reasonable costs 10 of executing such works shall be repaid by the operators to the owners: Provided always, that the provisions of this paragraph shall not apply so long as any like notice from the county council, the local authority, or other body or person under the provision of the section of this Order whereof the marginal note is "Street authority, &c., may give notice of desire to break 15 " up streets, &c., on behalf of Undertakers " remains in force.

Provided always, that when the Undertakers or any gas company desire to lay a service pipe or line to a house or premises already connected by a service pipe or line with the works of the gas company or the Undertakers, as the case may be, forty-eight hours' notice shall be given by the Undertakers or 20 the gas company, as the case may be, to the other of them, and in that case the provisions of this section, so far as applicable, shall then apply to such service pipes or lines accordingly.

Where the operators (being the Undertakers) lay any electric line, crossing or liable to touch any mains, pipes, lines, or services belonging to any gas, 25 electric supply, or water company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade, and the Undertakers shall not, except with the consent of the gas, electric supply, or water company, as the case may be, and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, 30 lines, or services, or except with the like consent employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration. 35

If the operators make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty 40 not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions of this section, so far as was reasonable under the circumstances, or that the default in question was due to the 45 fact that the operators were ignorant of the position of the sewer, drain,

watercourse, defence, pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

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For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas, the expression "water
5 company" shall mean any body or person lawfully supplying water or water power, and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this Order.

19. In the exercise of any of the powers of this Order relating to the
10 execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works, or conveniences belonging to any railway or canal company, nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection
of railway and
canal com-
panies.

20.—(1.) The Undertakers shall take all reasonable precautions in con-
15 structing, laying down, and placing their electric lines and other works of all descriptions, and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, whether such wire or line
20 be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down, or placed their electric lines or other works, or worked their undertaking in contravention of this sub-section, and as to
25 whether the working of such wire or line or the current therein is or is not injuriously affected thereby, such question shall be determined by arbitration, and the arbitrator (unless he is of opinion that such wire or line, not having been so in existence at such time as aforesaid, has been constructed or placed without reasonable precautions against such injurious affection) may direct
30 the Undertakers to make any alterations in, or additions to, their system so as to comply with the provisions of this section, and the Undertakers shall make such alterations or additions accordingly.

For protection
of telegraphic
and telephonic
wires.

(2.) Seven days before commencing to lay down or place any electric line, or to use any electric line, in any manner whereby the work of
35 telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line notice in writing specifying the course, nature, and gauge of such electric line, and the manner in which such
40 electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used; and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified

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in regard to the laying, placing, or user of such electric line, for the purpose of preventing such injurious affection; and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

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If any difference arises under this section between any such owner and the Undertakers, such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

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(3.) If in any case the Undertakers make default in complying with the provisions of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

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(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

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Provision as
to subways.

21. Where the Undertakers desire to lay or may be required to lay any electric line in any street under the surface of which there is a subway, and the county council or the local authority (as the case may be) in whom such subway is vested, serve a notice upon them requiring them to lay the same in the subway, then notwithstanding anything in any special or general Act of Parliament contained, the powers conferred by this Order and the principal Act with respect to the breaking up and interfering with streets shall not be exercised by the Undertakers as to such street in so far as the subway extends under the surface thereof; and any electric line to which this section applies shall be laid in the subway in such manner and position as the county council or local authority shall direct or approve.

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Where any electric line of the Undertakers shall be so laid under the provisions of this section, they shall pay to the county council or local authority in whom the subway is vested such reasonable rent for the use thereof as may be settled by agreement, or in case of difference by arbitration: Provided that the Undertakers shall have access to such subway at all such reasonable times, and subject to such conditions as may be settled in like manner.

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Compulsory Works.

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Mains, &c. to
be laid down
in streets
specified in
Second
Schedule and
in remainder of
area of supply.

22.—(1.) The Undertakers shall, within a period of two years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule, and shall thereafter maintain the same.

(2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them, or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority or person by whom such street is repairable, consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act, 1882, for the written consent of the Board, authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

23. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer and not for the purposes of general supply, the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the Undertakers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

As to laying
of electric
line under
special agree-
ment.

24. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may,

If Undertakers
fail to lay down
mains, &c.,
Order may be
revoked.

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after considering any representations of the county council or the local authority, revoke this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply, or, if the Undertakers so desire, may, after having given an opportunity to the county council and the local authority to make representations and objections with reference thereto, 5 suffer the same to remain in force as to such area or part thereof, subject to such conditions as they may think fit to impose, and any conditions so imposed shall be binding on and observed by the Undertakers, and shall be of the like force and effect in every respect as though they were contained in this Order.

10

Manner in
which requisition
is to be
made.

25. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by two or more owners or occupiers of premises along such street or part of a street, or where the local authority has the control and management of the public lamps in such street or part of a street, by 15 the local authority.

Every such requisition shall be signed by the persons making the same, or by the local authority (as the case may be), and shall be served upon the Undertakers.

Forms of requisitions shall be kept by the Undertakers at their office, and 20 a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same, and any requisition so supplied shall be deemed valid in point of form.

Provisions on
requisition by
owners or
occupiers.

26. Where any such requisition is made by any such owners or occupiers 25 as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom the requisition is signed, stating that they decline to be bound by such requisition unless such persons, or some of them, will bind themselves to take or will guarantee that there shall be taken, a supply of 30 energy for two years, of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: 35 Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains, and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the 40 nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless, within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference, the delivery of the arbitrator's award, there be tendered to the 45

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Undertakers an agreement severally executed by such persons or some of them, binding them to take, or guaranteeing that there shall be taken, for a period of two years at the least, such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an
 5 annual sum amounting to the sum specified in the notice, or determined by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid), within the period limited for the tender of
 10 the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable, or that under the circumstances of the case the provisions of this section ought to be varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, who after such inquiry, if
 15 any, as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers, or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than two years, and to specify such sum or percentage, whether calculated as herein-before provided or otherwise, as
 20 shall be fixed or directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly.

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

25 If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement, such difference shall, subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid, be determined by arbitration.

30 27. Where any such requisition is made by the local authority it shall not be binding on the Undertakers, unless at the time when such service is effected, or within fourteen days thereafter, there be tendered to the Undertakers (if required by them) an agreement executed by the local authority, and binding them to take for a period of three years at the least a supply of
 35 energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Provisions on
requisition by
local
authority.

Supply.

28. The Undertakers shall, upon being required to do so by the owner or
 40 occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions, subject to which they are authorised to supply energy under this

Undertakers
to furnish
sufficient
supply of
energy to
owners and
occupiers
within the
area of supply.

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Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this 5 Order, subject to the conditions following (that is to say):

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet 10 from any distributing main of the Undertakers, although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect 15 of which such supply is required and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence: and

Enter into a written contract with the Undertakers (if required by them 20 so to do) to continue to receive, and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per 25 annum on the outlay incurred by the Undertakers in providing any electric lines required under this section, to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect 30 of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service 35 of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient, and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, 40 if they think fit, discontinue to supply energy for such premises, so long as such failure continues.

Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner, or uses the energy supplied to him by the Undertakers for any purposes, or deals with it in any manner 45 so as to unduly or improperly interfere with the efficient supply of energy

to any other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises so long as such user continues.

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Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined by arbitration.

29. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt.

Maximum
power.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises, or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

30. The Undertakers, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Supply of
energy to
public lamps.

31. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Penalty for
failure to
supply.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in

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Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions, subject to which they are authorised to supply energy under this Order, they shall be liable to such penalties as may, by such regulations and conditions, be prescribed in that behalf. 5

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure, or was of so slight or unimportant a character as not materially to affect the value of the supply. 10 15

Price.

Methods of
charging.

32. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1.) By the actual amount of energy so supplied; or,
- (2.) By the electrical quantity contained in such supply; or, 20
- (3.) By such other method as may for the time being be approved by the Board of Trade:

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method. 25

Provided also, that before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the county council and the local authority by what method they propose to charge for energy supplied through such main; and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement and, where the Undertakers have given any such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the county council and the local authority and to every consumer of energy who is supplied by them from such main. 30 35

Maximum
prices.

33. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade such price as the Board of Trade shall, on approving such method, determine. 40

Provided, that if the county council, the local authority, or the Undertakers, shall, at any time after the expiration of seven years from the twenty-sixth day of August, 1889, make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered, the Board of Trade, after such inquiry as they may think fit, may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order, as if they had been stated in the said schedule: Provided also, that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

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34. Subject to the provisions of this Order, and of the principal Act, and to the right of the customer to require that he shall be charged according to some one or other of the methods above-mentioned, the Undertakers may make any agreement with a consumer as to the price to be charged for energy, and the mode in which such charges are to be ascertained, and may charge accordingly.
35. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained, shall be settled by agreement between the local authority and the Undertakers, and in case of difference by arbitration, regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district.

Other charges
by agreement.Price to
public lamps.*Electric Inspectors.*

36. The county council, so long as they are not themselves the Undertakers for the purposes of this Order, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors, under this Order.

Appointment of
electric
inspectors.

- If no electric inspector is appointed by the county council, or if the county council themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any consumer, or of the Undertakers, may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

- (a.) The inspection and testing, periodically and in special cases, of the Undertakers' electric lines and works and the supply of energy given by them:
- (b.) The certifying and examination of meters, and
- (c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

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The county council, with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and such fees shall be accounted for and applied as may be directed by the county council or the Board of Trade as the case may be. 5

Remuneration
of electric
inspectors.

37. The county council may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine, and such remuneration may be in addition to, or in substitution for, any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act according as the county council shall determine. 10

Inquiry by
Board of
Trade.

38. The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works, or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with, by the Undertakers, and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order. 15 20

*Testing and Inspection.*Testing of
mains.

39. On the occasion of the testing of any main of the Undertakers, reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but, except under the provisions of a special order in that behalf made by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid: Provided also, that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade. 25 30 35

Testing of
works and
supply on
consumer's
premises.

40. An electric inspector, if and when required to do so by any consumer, shall, on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers 40

upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

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- 5 41. The Undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost and keep in proper condition such reasonable number of testing stations as the county council shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

Undertakers to
establish
testing stations.

- 15 If any dispute arises between the county council and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any excessive or improper use of energy for such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

- 20 42. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence.

Undertakers
to keep
instruments on
their premises.

- 25 43. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order or place, set up, or keep at any testing station, or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence.

Readings of
instruments
to be taken.

- 35 44. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers, for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the same are not in order, he may require the Undertakers forthwith to have the same put in order.

Electric
inspector
may test
Undertakers'
instruments.

- 40 45. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection.

Representation
of Undertakers
at testings.

46. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings, and

Undertakers
to give
facilities for
testing.

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Middlesex.*Report of
results of
testing.

inspection of instruments, and shall comply with all the requirements of or under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound.

5

47. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence.

10

If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector, they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties.

15

Expenses of
electric
inspector.

48. Save as otherwise provided by this Order, or by any regulations under this Order, all fees and reasonable expenses of an electric inspector shall, unless agreed, be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade, and shall be paid by the Undertakers.

20

Provided that where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, such fees and expenses shall, on being ascertained as above-mentioned, be paid by such consumer or consumers as the court or board, having regard to such report or decision, shall direct, and may be recovered summarily, as a civil debt.

25

Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

Meters.

30

Meters to be
used except
by agreement.

49. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

35

Meter to be
certified.

50. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter, and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade, and every such meter is in this Order referred to as a "certified meter":

40

Provided that where any alteration is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines, such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

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- 5 51. Every electric inspector, on being required to do so by the Undertakers, or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value of the supply, and shall certify the same as a certified meter if he considers it entitled to be so certified.
- Inspector to certify meters.
- 10 52. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure
- 15 such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable hours and execute all necessary works and do all necessary acts, provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a
- 20 reasonable sum in respect of the price of such meter, or to give security therefore, or if he desires to hire such meter may require him to enter into an agreement for the hire of such meter as herein-after provided.
53. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through
- 25 which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.
- Meters not to be connected or disconnected without notice.
- 30 54. Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is to be ascertained, in proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.
- Consumer to keep his meter in proper order.
- 35 The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if
- 40 the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.
55. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for
- Power to Undertakers to let meter.

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securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to
keep meters
let for hire
in repair.

56. The Undertakers shall, unless the agreement of hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Differences
as to cor-
rectness of
meter to be
settled by
inspector.

57. If any difference arises between any consumer and the Undertakers as to whether any meter, whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined upon the application of either party by an electric inspector, or, where the local authority are the consumers, by an inspector to be appointed by the Board of Trade, who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid, the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Undertakers to
pay expenses
of providing
new meters
where method
of charge
altered.

58. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the Undertakers change the method of charging for energy supplied by them from such main, the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers
may place
meters to
measure supply
or to check
measurement
thereof.

59. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum power taken by such consumer or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern, and shall be fixed and connected with the service lines in some manner approved by the Board of Trade, and shall be

supplied and maintained entirely at the cost of the Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

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Maps.

5 60. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply, and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause such map to be duly corrected
10 so as to show the then existing lines. The Undertakers shall also, if so required by the Board of Trade or the Postmaster-General, or the county council, cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade shall
15 prescribe.

Map of area of supply to be made and deposited.

Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the Undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and such
20 applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof, taken by such applicant, as they may
25 prescribe.

The Undertakers shall, if so required by the Board of Trade, or the Postmaster-General, or the county council, or the local authority, supply to them or him a copy of any such map or section, and cause such copy to duly corrected so as to agree with the original or originals thereof as kept
30 for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections, they shall for every such offence, be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

35 *Special provisions in case of Transfer.*

61. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

Application of moneys received by the local authority as Undertakers.

(A.) All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money, (b) money arising from the disposal
40 of lands acquired for the purposes of this Order, and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

(1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses,

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penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers, their officers or servants in relation to the undertaking.

- (2.) In payment of the interest or dividend on any mortgages, stock, or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes. 5
- (3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.
- (4.) In payment of all other their expenses of executing this Order, not being expenses properly chargeable to capital. 10
- (5.) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, and the resulting income thereof in Government securities, or in any other securities in which trustees are by law for the time being authorised to invest, other than stock or securities of the Undertakers, and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking, or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit, and so from time to time as often as such reduction happens. 15 20 25

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund, when amounting to the prescribed limit, to the credit of the local rate as defined by the principal Act, or, at their option, shall apply such surplus, or any part thereof, to the improvement of the district for which they are the local authority, or in reduction of the capital moneys borrowed for electricity purposes. 30

Provided always, that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking, the Undertakers shall make such a rateable reduction in the charge for the supply of energy as, in their judgment, will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority. 35

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate. 40

- (B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received

by them in respect of the undertaking, shall be applied by them as follows :—

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(1.) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

62. If the local authority become the Undertakers for the purposes of this Order, the following provisions shall have effect :—

Purchase and
use of lands.

Subject to the provisions of this Order and the principal Act, the Undertakers may acquire by purchase or on lease, and use any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section which may not for the time be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres, except with the consent of the Board of Trade.

Provided also, that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more houses which, after the commencement of this Order, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

63. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act" shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers.

Incorporation
of sections 264
and 265 of
Public Health
Act, 1875.

Notices, &c.

64. Notices, orders, and other documents, under this Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the county council or the local authority, the signature thereof by the clerk or surveyor to the county council or the local authority shall be sufficient authentication.

Notices, &c.
may be printed
or written.

65. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served

Service of
notices, &c.

A.D. 1891. by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively :—

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- (a.) In the case of the Board of Trade, the office of the Board of Trade ;
- (b.) In the case of the Postmaster-General, the General Post Office ;
- (c.) In the case of the county council, the office of such council ; 5
- (d.) In the case of any local authority, the office of such local authority ;
- (e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company ;
- (f.) In the case of a company having an office or offices, but no registered office, the principal office of that company ; 10
- (g.) In the case of any other person, the usual or last known place of abode of such person.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description. 15

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises. 20

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order, and the execution of any works or the performance of any duty or act is less than seven days, the following days shall not be reckoned in the computation of such time, that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving. 25 30

Purchase by Local Authority.

Purchase by
local authority.

66. In lieu of the period of forty-two years from the date mentioned in section two of the Electric Lighting Act, 1888, there shall be substituted for the purposes of this Order a period of forty-two years from the twenty-sixth day of August, one thousand eight hundred and eighty-nine, and the other provisions of the said section shall apply accordingly. 35

Revocation of Order.

Revocation of
Order where
Undertakers
are insolvent.

67. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable 40

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fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade may, after such inquiry as they may think necessary, and after considering any representations of the county council or the local authority, revoke this Order as to the whole, or with the
5 consent of the Undertakers, as to any part of the area of supply.

68. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they
10 are satisfied of the truth of such representation, they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers and of the county council and of the local authority) as to any part of the area of supply.

Revocation
of Order where
undertaking
cannot be
carried on
with profit.

69. In addition to any other powers which the Board of Trade may have
15 in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers, the county council, and the local authority, upon such terms as the Board of Trade may think just.

Revocation
of Order with
consent.

70. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply under any of the provisions of this Order
20 the following provisions shall have effect:—

Provisions
where Order
revoked.

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the county council and the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the
25 Undertakers under this Order for the supply of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine.

(b.) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the
30 Undertakers shall sell to them the undertaking or such part thereof as aforesaid upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by them for the purposes of the undertaking, or such part thereof as aforesaid, such value being agreed or estimated in manner directed by
35 the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act.

(c.) Where any purchase is so effected, the undertaking, or part thereof so purchased, shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the Undertakers or attaching to the undertaking; and the revocation of this Order, as to the whole
40 of the area of supply, or such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obligations of the Undertakers from whom the undertaking, or such part thereof as aforesaid, is purchased in relation to the supply of energy

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within such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority.

(d.) Where no purchase has been effected under the preceding provisions of this section, the local authority, and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed, may, subject, however, to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers, forthwith remove such works with all reasonable care, and the Undertakers shall pay to the local authority, or other such body or person as aforesaid, such reasonable costs of such removal, and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them), as may be settled by arbitration. 5 10 15

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice, or the delivery of the award of the arbitrator (as the case may be), the local authority, or other such body or person as aforesaid may, without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums, and to such person or persons, as they may think fit; and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid, and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers. 20 25

(e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them, by reason or in consequence of the execution of any works within such area, or part thereof, as aforesaid, or the exercise of any powers by this Order granted to the Undertakers, or for any expenses to which such local authority, body, or person may have been put in removing any works of the Undertakers within such area, or part thereof, under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims, and the persons to whom it is to be paid shall be determined by an arbitrator, to be appointed by the Board of Trade, whose decision shall be final and binding on all parties. 30 35 40 45

General.

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Middlesex.*Remedying of
system and
works.

71. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth, in contravention of this Order; or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; or (c) that any works of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also, if they think fit, by the same or any other order made upon any such representation as aforesaid, forbid the use of any electric line or work, as from such date as may be specified in that behalf until the order is complied with, or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden, they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order on such terms as they may think fit.

72. All regulations and conditions made by the Board of Trade under this Order; or the principal Act affecting the undertaking, and for the time being in force shall, within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and true copies thereof, certified by or on behalf of the Undertakers, shall be forthwith served upon the county council and the local authority, and like copies shall also be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

If the Undertakers make default in complying with the provisions of this section, they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

73. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default

Publication of
regulations.Nature and
amount of
security.

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Middlesex.

of agreement may be determined, on the application of either party, by a court of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands. 5

Proceedings
of Board of
Trade.

74. All things required or authorised under this Order to be done by, to or before the Board of Trade, may be done by, to, or before the President or a secretary or assistant secretary of the Board. 10

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown. 15

A certificate, signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the act so certified. 20

Approval or
consent of
Board of Trade.

75. Where this Order provides for any consent or approval of the Board of Trade, the Board may give such consent or approval subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit.

All costs and expenses of or incident to any approval, consent, certificate, or order of the Board of Trade, or of any inspector or person appointed by the Board of Trade, including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants, and may, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary. 25 30 35

Notice of
approval of
Board of Trade,
&c. to be given
by advertise-
ment.

76. Where the Board of Trade, upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or where the Board of Trade, upon the application of the county council, the local authority, or the Undertakers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid. 40 45

77. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers, notice of such application shall be served on the county council and the local authority by the Undertakers, and an opportunity shall be given to the local authority and the county council to make representations or objections with reference thereto.

78. All penalties, fees, expenses and other monies recoverable under this Order, or under any regulations made under this Order, or the principal Act, the recovery of which is not otherwise specially provided for, may be

10 recovered summarily in manner provided by the Summary Jurisdiction Acts.

Any penalty recovered on prosecution by an officer of the county council shall, if there is an electric inspector for the time being appointed by the county council, be paid to such officer and by him to the county council, and shall be carried to the county fund.

15 Any penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court shall so direct, be paid to such body or person.

Save as aforesaid all penalties recovered summarily under this Order shall be applied according to the law regulating the application of penalties so

20 recovered within the metropolitan police district.

79. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

80. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

81. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

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Notice of application for extension of time &c., to be given to local authority and the county council.

Recovery and application of penalties.

Undertakers to be responsible for all damages.

As to mortgages.

Saving clause for Postmaster-General.

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Saving for
embankments,
&c., of the
county
council.

Undertakers
not exempted
from proceed-
ings for
nuisance.

Provisions as
to general Acts.

82. Nothing in this Order shall authorise the Undertakers to break up or otherwise interfere with any embankment, park, or open space for the time being vested in the county council or the local authority, except so far as any part of such embankment, park, or open space forms part of a street, or to interfere with or make use of any tunnel, sewer, or subway so vested, except with the consent in writing of such council or authority, and subject to such terms and conditions as they may impose.

5

83. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them.

10

84. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

15
- SCHEDULES.
- FIRST SCHEDULE.
- Area of Supply.
- The parish of St. Luke, Middlesex, in the administrative county of London.
- SECOND SCHEDULE.
- List of Streets and Parts of Streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order.
- | | | |
|---------------|--------------------|----|
| Goswell Road. | Finsbury Square. | 25 |
| City Road. | Finsbury Pavement. | |
| Old Street. | | |

THIRD SCHEDULE.

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List of Streets not repairable by the local authority, railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

- 5 (a.) *Streets* :
- | | |
|------------------------------|------------------------------|
| Apple Yard. | President Mews. |
| Bunhill Court. | Thomas Place (Middle Row). |
| Charles Court (Hull Street). | Waterloo Place. |
| Lewens Court. | Wellington Place. |
| 10 New Court (Middle Row). | Whitby Court. |
| Oliver's Yard. | York Mews. |
| Osman's Place. | Three King Court (Whitecross |
| Phoenix Place (Old Street). | Street). |
- 15 (b.) *Railways* :
- None.
- (c.) *Tramways* :
- North Metropolitan Tramways.
London Street Tramways.

FOURTH SCHEDULE.

- 20 In this schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

SECTION 1.

- 25 Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units, thirteen shillings and fourpence; and for each unit over twenty units, eightpence.

SECTION 2.

- 30 Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Under-
- 35 takers under any regulations made under this Order.

WOOLWICH ELECTRIC LIGHTING.

A.D. 1891. *Provisional Order granted by the Board of Trade under the
Woolwich. Electric Lighting Acts, 1882 and 1888, to the Woolwich
District Electric Light Company, Limited, in respect of the
Parish of Woolwich in the County of London.* 5

Preliminary.

Short title. 1. This Order may be cited as the Woolwich Electric Lighting Order,
1891.

Interpretation. 2. This Order is to be read and construed subject in all respects to the
provisions of the Electric Lighting Acts, 1882 and 1888, and of any other 10
Acts or parts of Acts incorporated therewith, which said Acts and parts of
Acts are in this Order collectively referred to as "the principal Act"; and
the several words, terms, and expressions to which by the principal Act
meanings are assigned, shall have in this Order the same respective meanings,
provided that in this Order— 15

The expression "energy" shall mean electrical energy, and for the purposes
of applying the provisions of the principal Act to this Order electrical
energy shall be deemed to be an agency within the meaning of electricity
as defined in the Electric Lighting Act, 1882 :

The expression "power" shall mean electrical power or the rate per unit 20
of time at which energy is supplied :

The expression "main" shall mean any electric line which may be laid
down by the Undertakers in any street, subway, or public place, and
through which energy may be supplied or intended to be supplied by
the Undertakers for the purposes of general supply : 25

The expression "service line" shall mean any electric line through
which energy may be supplied or intended to be supplied by the
Undertakers to a consumer either from any main or directly from the
premises of the Undertakers :

The expression "distributing main" shall mean the portion of any main 30
which is used for the purpose of giving origin to service lines for the
purposes of general supply :

The expression "general supply" shall mean the general supply of energy
to ordinary consumers, and, unless otherwise specially agreed with the
local authority, to the public lamps, but shall not include the supply of 35
energy to any one or more particular consumers under special agreement :

The expression "area of supply" shall mean the area within which the
Undertakers are, for the time being, authorised to supply energy under
the provisions of this Order :

The expression "subway" shall mean any passage or covered way under 40
the surface of a street constructed for the reception of pipes or wires :

The expression "county council" shall mean the County Council of
London, and the provisions of this Order in which the county council

is expressly mentioned shall be construed without derogation to the powers, duties, and liabilities of that council as local authority under this Order and the principal Act :

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Woolwich.

- 5 The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers :
- The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines :
- 10 The expression "telegraphic line," when used with respect to any telegraphic line of the Postmaster-General, shall have the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected :
- 15 The expression "railway" shall include any tramroad, that is to say, any tramway, other than a tramway as herein-after defined :
- The expression "tramway" shall mean any tramway laid along any street :
- The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof :
- 20 The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule" shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively :
- The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade :
- 25 The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and, where possible, a section drawn to the same horizontal scale as the plan, and to a vertical scale of at least one inch to eleven feet, with such detail plan and sections as may be necessary.
- 30

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Commence-
ment of Order.

35 *Address and Description of the Undertakers.*

4. The Undertakers for the purposes of this Order are the Woolwich District Electric Light Company, Limited, being a company registered under the Companies Acts, 1862 to 1890, with limited liability, and having its registered offices at 39, William Street, Woolwich, London.

Address and
description of
Undertakers.

- 40 Provided that if the Undertaking, or any part thereof, is at any time purchased by the local authority, in accordance with the provisions of this Order, or of the principal Act, such local authority shall, from the date of such purchase, be the Undertakers in relation to such undertaking, or

A.D. 1891. part thereof, for the purposes of this Order, in lieu of the company above mentioned.
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The Undertakers shall not purchase or acquire the undertaking of, or associate themselves with, any other company or person supplying energy within the administrative county of London, under any license, Provisional Order, or special Act, unless the Undertakers are authorised by Parliament to do so. 5

If, in contravention of this section, the Undertakers purchase or acquire any such undertaking, or associate themselves with such other company or person, the Board of Trade may, if they think fit, revoke this Order, upon such terms as they may think just. 10

Area of Supply.

Area of
supply.

5. Subject to the provisions of this Order, the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red. 15

Prohibition
of supply
beyond area
of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply, otherwise than under the authority of Parliament, or under a license granted by the Board of Trade under the principal Act. 20

If the Undertakers supply energy, or erect or lay down electric lines or works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

Security for
execution of
works.

7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply. 30

The Undertakers shall also, within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of one thousand pounds. 35

If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above-mentioned, or fail to deposit or secure such sum as aforesaid, the Board of Trade may, after considering any representations which the county council or the local authority may make, revoke this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply, upon such terms as they may think just. 40

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector, to be appointed by the Board of Trade, that amounts equal to the sum so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, or at such earlier dates and by such instalments as may be approved by the Board of Trade.

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8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the county council and local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

Separate
accounts to
be kept of
undertaking.

9. The annual statement of accounts of the undertaking, before being published as provided by section nine of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the Board of Trade shall appoint, and the remuneration of the auditor shall be such as the Board of Trade shall direct, and the same and all expenses incurred by him in or about the execution of his duties to such an amount as the Board of Trade shall approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt.

Audit of
Undertakers'
accounts.

10. The Undertakers shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit, and shall when required furnish to him and them all vouchers and information requisite for such purpose, and shall afford to him and them all facilities for the proper execution of his and their duty.

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted, or otherwise, for the purpose of giving effect to the provisions of this section.

Any report made by the auditor, or such portion thereof as the Board of Trade shall direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section nine.

Nature and Mode of Supply.

10. Subject to the provisions of this Order and the principal Act, the Undertakers may supply energy within the area of supply for all public and private purposes, as defined by the said Act, provided as follows:—

Systems and
mode of
supply.

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade, and subject to such regulations and conditions for securing the safety of the public, and for

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insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

- (2.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval.

Prohibition of Overhead Wires.

Prohibition
of overhead
wires.

11. The Undertakers shall not, without the express consent of the county council, and of the Board of Trade, place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply.

Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except as above in this section mentioned), they shall be removed by the Undertakers within a period of one year after such commencement.

If the Undertakers place or fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit.

Works.

Powers for
execution of
works.

12. Subject to the provisions of this Order and the principal Act, the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule, so far as such streets, railways, and tramways may for the time being be included in the area of supply, and be, or be upon, land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway, except such streets, railways, or tramways (if any), or such parts thereof, as are specified in the said schedule, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, or of the Board of Trade under section thirteen of the Electric Lighting Act, 1882, and where the Board of Trade give such consent, the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates as if it had been specified in the said schedule.

13. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of such
5 boxes: Provided that no such box or apparatus shall be placed above ground except with the consent of the local authority, body, or person by whom such street is repairable.

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Street boxes.

Every such box shall be for the exclusive use of the Undertakers, and under their sole control, except so far as the Board of Trade may otherwise
10 order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing, or controlling the supply of energy, or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking; and
15 the Undertakers may place therein meters, switches, and any other suitable and proper apparatus for any of the above purposes.

Every such box, including the upper surface or covering thereof, shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger, whether
20 by reason of inequality of surface or otherwise.

The local authority, or (if the street is repairable by them) the county council may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such boxes, and if the Undertakers during any hours not so prescribed remove or displace or
25 keep removed or displaced, the upper surface or covering of any box without the consent of the local authority or county council, as the case may be, they shall be liable to a penalty not exceeding five pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid
30 if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

14. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will
35 involve the placing of any works in, under, along or across any street or public bridge, the following provisions shall have effect:

Notice of works, with plan, to be served on the Postmaster-General, local authority, and county council.

(a.) One month before commencing the execution of such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a
40 notice upon the Postmaster-General and the local authority and the county council, describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed, and the manner in which it is intended that such street or bridge, or any sewer, drain, or tunnel therein, or there-
45 under, is to be interfered with and shall upon being required to do

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so by the Postmaster-General or the local authority, or the county council, give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.

- (b.) The Postmaster-General or the local authority, or the county council 5
may in his or their discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers.
- (c.) Where the Postmaster-General or the local authority, or the county 10
council approve any such works or plan, subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapprove of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter, and allow 15
or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same.
- (d.) If the Postmaster-General or the local authority, or the county council 20
fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them, he or they shall be deemed to have approved such works and plan.
- (e.) Notwithstanding anything in this Order or the principal Act, the 25
Undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to 30
to have been approved by the Postmaster-General and the local authority, and the county council, or by the Board of Trade, as above mentioned; but where any such works, description, and plan are so approved, or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in 35
all respects to the provisions of this Order and of the principal Act.
- (f.) If the Undertakers make default in complying with any of the require- 40
ments or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster- 35
General and the local authority and the county council for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: 40
Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Nothing in this section shall exempt the Undertakers from any penalty or 45
obligation to which they may be liable under this Order, or otherwise by law,

in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy.

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As to streets not repairable by local authority, or county council, railways, tramways, and canals.

15. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street or part of a street, not repairable by the local authority or county council, or over or under any railway, tramway, or canal, the following provisions shall have effect, unless otherwise agreed between the parties interested :—

(a.) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the "owners," describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

(b.) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given to the provisions thereof.

(c.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.

(d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway, or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible.

(e.) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications

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thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

- (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works. 5
- (g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing, or with any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to the owners not less than twenty-four hours' notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act. 10
- (h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds : Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 15
16. Any body or person for the time being liable to repair any street or part of a street, or liable to repair any sewer, subway, or work, or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order, may, if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, subways, tunnels, or other works vested in or under the control or management of such body or person, and may amend or revoke any such notice by another notice similarly served. Where any such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested :— 20
- (a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except 25 30 35 40 45

Street
authority, &c.,
may give
notice of
desire to break
up streets, &c.,
on behalf of
Undertakers.

where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency.

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- 5 (b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the
- 10 givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.
- 15 (c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.
- 20 (d.) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.
- 25 (e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice; but in such case the Undertakers shall,
- 30 within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice.
- 35 (f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers
- 40 complied with the requirements of this section so far as was reasonable under the circumstances.
- (g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers, and may be recovered summarily.
- 45 (h.) The givers of the notice may, if they think fit, require the Undertakers to give them such security for the repayment to them of

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any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction, they shall not be entitled 5 to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or 10 imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up, filling in, reinstating, or making good any such street or part of a street, or any such bridges, sewers, drains, subways, tunnels, or other works, or railway or tramway, as in this section mentioned. 15

As to alteration of pipes, wires, &c., under streets.

17. The Undertakers may alter the position of any pipes (not forming part of any sewer of the county council or the local authority), or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order; and any body or person may in like manner alter the position 20 of any electric lines or works of the Undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested :— 25

(a.) One month before commencing any such alterations the Undertakers or such body or person (as the case may be), in this section referred to as the "operators," shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the case may be), in this section referred to as "the owners," describing the 30 proposed alterations, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

(b.) Within three weeks after the service of any such notice and plan upon 35 any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works, or to compensation in respect thereof, or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled 40 by arbitration accordingly.

(c.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works, so as 45

to avoid interference with any purpose for which such pipes, wires, electric lines, or works are used so far as may be possible.

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(d.) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

(e.) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such notification as herein-after provided.

(f.) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.

(g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable.

(h.) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.

(i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators, and may be recovered summarily.

(j.) Any owners may, if they think fit, by any statement served by them under this section upon any operators, not being the county council or a local authority, require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be

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determined in manner provided by this Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.

- (k.) If the operators make default in complying with any of the require- 5
ments or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty 10
not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid, if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far 15
as was reasonable under the circumstances.

Laying of
electric lines,
&c., near
near sewers,
&c. or gas or
water pipes, or
other electric
lines.

18. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the county council or the local 20
authority, or any main, pipe, syphon, electric line, or other work belonging to any gas, electric supply, or water company, has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers 25
have been lawfully placed, the Undertakers or such gas or water company (as the case may be), in this section referred to as "the operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the county council or local authority or to such gas, electric supply, or water company, or to the Undertakers (as the case may be), in this 30
section referred to as the "owners," not less than fourteen days' notice before commencing to dig or sink such trench as aforesaid, and such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, 35
defence pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto

Where the operators find it necessary to undermine, but not alter, the position of any pipe, electric line, or work, they shall temporarily support the 40
same in position during the execution of their works, and before completion provide a suitable and proper foundation for the same, where so undermined.

The owners, upon giving notice to the Undertakers during the fourteen days herein-before referred to, of their desire to execute any work to which the provisions of this section apply, may themselves execute the same, and in 45
case they give such notice, they shall execute such work with due care and

diligence, and shall be subject to the like restrictions and conditions as the operators would themselves be subject to in respect of the same, and the reasonable costs of executing such works shall be repaid by the operators to the owners: Provided always, that the provisions of this paragraph shall not apply so long as any like notice from the county council, the local authority, or other body or person under the provision of the section of this Order, whereof the marginal note is "street authority, &c. may give notice of desire to break up streets, &c., on behalf of Undertakers," remains in force.

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- 10 Provided always, that when the Undertakers or any gas company desire to lay a service pipe or line to a house or premises already connected by a service pipe or line with the works of the gas company or the Undertakers, as the case may be, forty-eight hours' notice shall be given by the Undertakers or the gas company, as the case may be, to the other of them, and in that case the provisions of this section, so far as applicable, shall then apply to such service pipes or lines accordingly.

- Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains, pipes, lines, or services belonging to any gas, electric supply, or water company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade; and the Undertakers shall not, except with the consent of the gas, electric supply, or water company, as the case may be, and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, lines, or services, or, except with the like consent, employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

- If the operators make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence, pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

- For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas; the expression "water company" shall mean any body or person lawfully supplying water or water power, and the expression "electric supply company" shall mean

A.D. 1891. any body or person supplying energy under the principal Act, but not under
 Woolwich. this Order.

For protection
 of railway and
 canal com-
 panies.

19. In the exercise of any of the powers of this Order relating to the execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works, or conveniences belonging to any railway 5 or canal company, nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection
 of telegraphic
 and telephonic
 wires.

20.—(1.) The Undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions, and in working their undertaking so as not injuriously 10 to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between 15 the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down, or placed their electric lines or other works, or worked their undertaking in contravention of this subsection and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby, such question shall be 20 determined by arbitration; and the arbitrator (unless he is of opinion that such wire or line, not having been so in existence at such time as aforesaid, has been placed in unreasonable proximity to the electric lines or works of the Undertakers may direct the Undertakers to make any alterations in, or additions to, their system so as to comply with the provisions of this section, 25 and the Undertakers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line, or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously 30 affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line notice in writing specifying the course, nature, and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner 35 in which (if at all) earth returns are proposed to be used; and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing, or user of such electric line for the purpose of preventing such injurious affection; and the Undertakers 40 shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference 45 shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

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- 5 (3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and, in addition thereto, they shall be liable to a penalty not exceeding five pounds for every such default, and to a daily penalty not exceeding forty
10 shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the
15 fact that the Undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

- (4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment,
20 action, or otherwise in relation to any of the matters aforesaid.

21. Where the Undertakers desire to lay, or may be required to lay, any electric line in any street, under the surface of which there is a subway, and the county council or local authority (as the case may be) in whom such subway is vested serve a notice upon them requiring them to lay the same in
25 the subway, then notwithstanding anything in any special or general Act of Parliament contained, the powers conferred by this Order and the principal Act with respect to the breaking up and interfering with streets shall not be exercised by the Undertakers as to such streets, in so far as the subway extends under the surface thereof; and any electric line to which this section applies
30 shall be laid in the subway in such manner and position as the county council or local authority shall direct or approve.

Provision as to
subways.

- Where any electric line of the Undertakers shall be so laid under the provisions of this section, they shall pay to the county council or local authority in whom the subway is vested such reasonable rent for the use
35 thereof as may be settled by agreement, or in case of difference, by arbitration: Provided that the Undertakers shall have access to such subway at all such reasonable times and subject to such conditions as may be settled in like manner.

Compulsory Works.

- 40 22.—(1.) The Undertakers shall, within a period of two years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule, and shall thereafter maintain the same.

Mains, &c. to
be laid down
in streets
specified in
Second
Schedule and
in remainder
of area of
supply.

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Woolwich.

(2.) In addition to the mains herein-before specified, the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this 5 Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them, or such further time as may in any case be 10 approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, or person by whom such street is repairable, consent to the breaking up thereof) forthwith apply to the 15 Board of Trade under section thirteen of the Electric Lighting Act, 1882, for the written consent of the Board authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

As to laying
of electric
line under
special
agreement.

23. Twenty-eight days at the least before commencing to lay in any street 20 any electric line which is intended for supplying energy to any particular consumer, and not for the purposes of general supply, the Undertakers shall serve upon the local authority, and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the Under- 25 takers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require, in accordance with the provisions of this Order, that a supply shall be given to their premises, the necessary distributing main shall be laid by the Undertakers at the same time as the electric line 30 intended for such particular consumer.

If Undertakers
fail to lay
down mains,
&c., Order
may be
revoked.

24. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which 35 such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged, they may, after considering any representations of the county council or the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, or if the Undertakers so desire, may, after having given an oppor- 40 tunity to the county council and the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof, subject to such conditions as they may think fit to impose, and any conditions so imposed shall be binding on and observed by the Undertakers, and shall be of the like force and effect in every 45 respect as though they were contained in this Order.

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Manner in which requisition is to be made.

25. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by two or more owners or occupiers of premises along such street or part of a street, or, where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority.

Every such requisition shall be signed by the persons making the same, or by the local authority (as the case may be), and shall be served upon the Undertakers.

10 Forms of requisitions shall be kept by the Undertakers at their office, and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same, and any requisition so supplied shall be deemed valid in point of form.

26. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom the requisition is signed, stating that they decline to be bound by such requisition, unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for two years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains, and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Provisions on requisition by owners or occupiers.

Where such notice is served, the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons or some of them, binding them to take, or guaranteeing that there shall be taken, for a period of two years at the least, such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

45 If the Undertakers consider that the requisition is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be

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varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, who, after such inquiry, if any, as they shall think fit, may, by order, either determine that the requisition is unreasonable, and shall not be binding upon the Undertakers, or may authorise the Undertakers by their notice to require a supply of energy to 5 be taken for such longer period than two years, and to specify such sum or per-centage, whether calculated as herein-before provided or otherwise, as shall be fixed or directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly.

In case of any such appeal to the Board of Trade, any notice by the 10 Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement, such difference shall, subject to the provisions of this section and to the decision of the Board of 15 Trade upon any such appeal as aforesaid, be determined by arbitration.

Provisions on
requisition
by local
authority.

27. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected, or within fourteen days thereafter, there be tendered to the Undertakers (if required by them) an agreement executed by the local authority, and binding 20 them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Supply.

Undertakers
to furnish
sufficient
supply of
energy to
owners and
occupiers
within the
area of supply.

28. The Undertakers shall, upon being required to do so by the owner or 25 occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and con- 30 ditions, subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with 35 which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following (that is to say):—

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines 40 as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers, although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier,

Every owner or occupier of premises requiring a supply of energy shall—

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Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence : and

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Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

Provided also, that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner, or uses the energy supplied to him by the Undertakers for any purposes, or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises so long as such user continues.

Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy, or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined by arbitration.

29. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to

Maximum power.

A.D. 1891. be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt. 5 10

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises, or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

Supply of
energy to
public lamps.

30. The Undertakers, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied. 15 20

Penalty for
failure to
supply.

31. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs. 25

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp, and for each day on which any such default occurs. 30

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order, they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf. 35

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults, not being wilful defaults, on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident 40

or force majeure, or was of so slight or unimportant a character as not materially to affect the value of the supply.

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Woolwich.

Price.

32. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

Methods of charging.

- (1.) By the actual amount of energy so supplied; or
- (2.) By the electrical quantity contained in such supply; or
- (3.) By such other method as may for the time being be approved by the Board of Trade.

10 Provided that where the Undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him, at their option, by the actual amount of energy supplied to him, or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

15 Provided also, that before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the county council and the local authority by what method they propose to charge for energy supplied through such main; and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement, and, where the Undertakers have given any such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the county council and the local authority, and to every consumer of energy who is supplied by them from such main.

33. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved of by the Board of Trade, such price as the Board of Trade shall on approving such method determine.

Maximum prices.

35 Provided that if the county council, the local authority, or the Undertakers shall, at any time after the expiration of seven years from the twenty-sixth day of August, one thousand eight hundred and eighty-nine, make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered, the Board of Trade, after such inquiry as they may think fit, may make an order varying the prices or methods of charge stated in the said schedule, or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order, as if they had been stated in the said schedule: Provided also, that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

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*Woolwich.*Other charges
by agreement.

34. Subject to the provisions of this Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned, the Undertakers may make any agreement with a consumer as to the price to be charged for energy, and the mode in which such charges are to be ascertained, and may charge 5 accordingly.

Price to
public lamps.

35. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained, shall be settled by agreement between the local authority and the Undertakers, or, in case of difference, by arbitration, 10 regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district.

*Electric Inspectors.*Appointment
of electric
inspectors.

36. The county council, so long as they are not themselves the Under- 15 takers for the purposes of this Order, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

If no electric inspector is appointed by the county council, or if the county council themselves become the Undertakers for the purposes of this Order, 20 the Board of Trade, on the application of any consumer, or of the Undertakers, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

(a.) The inspection and testing, periodically and in special cases, of the 25 Undertakers' electric lines and works and the supply of energy given by them;

(b.) The certifying and examination of meters; and

(c.) Such other duties in relation to the undertaking as may be required 30 of him under the provisions of this Order or of any regulations under this Order.

The county council, with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and such fees shall 35 be accounted for and applied as may be directed by the county council or the Board of Trade as the case may be.

Remuneration
of electric
inspectors.

37. The county council may pay to any electric inspector appointed by them under this Order, such reasonable remuneration (if any) as they may determine, and such remuneration may be in addition to, or in substitution 40 for, any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act, according as the county council shall determine.

38. The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connexion with the Undertakers' works, or as to the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with by the Undertakers; and any person appointed under this section, not being an electric inspector, shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

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*Woolwich.*Inquiry by
Board of
Trade.*Testing and Inspection.*

39. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but, except under the provisions of a special order in that behalf made by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid: Provided also, that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of
mains.

40. An electric inspector, if and when required to do so by any consumer shall, on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Testing of
works and
supply on con-
sumer's pre-
mises.

41. The Undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost, and keep in proper condition, such reasonable number of testing stations as the county council shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

Undertakers
to establish
testing stations.

If any dispute arises between the county council and the Undertakers as to whether the number of such testing stations and the distance from the

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main at which they are established is reasonable or excessive, or as to any excessive or improper use of energy for such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

Undertakers
to keep
instruments
on their
premises.

42. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence.

10

Readings of
instruments
to be taken.

43. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence.

15

Electric
inspector
may test
Undertakers'
instruments.

44. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

20

Representa-
tion of
Undertakers
at testings.

45. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection.

25

Undertakers
to give
facilities for
testing.

46. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound.

35

Report of
results of
testing.

47. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence.

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If the Undertakers, or any such authority or person are or is dissatisfied with any report of any electric inspector, they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire

into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties.

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48. Save as otherwise provided by this Order, or by any regulations under this Order, all fees and reasonable expenses of an electric inspector shall, unless agreed, be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade, and shall be paid by the Undertakers.

Expenses of electric inspector.

10 Provided that where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, such fees and expenses shall, on being ascertained as above mentioned, be paid by such consumer or consumers as the court or Board, having regard to such report or decision, shall direct, and may be recovered summarily as a civil debt.

15 Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

Meters.

49. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meters to be used except by agreement.

50. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter, and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade; and every such meter is in this Order referred to as a "certified meter": Provided that where any alteration is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines, such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Meter to be certified.

51. Every electric inspector, on being required to do so by the Undertakers or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value of the supply, and shall certify the same as a certified meter if he considers it entitled to be so certified.

Inspector to certify meters.

52. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly certified

Undertakers to supply meters if required to do so.

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under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable hours, and execute all necessary works and do all necessary acts; provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided. 5

Meters not to be connected or disconnected without notice.

53. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line, unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings. 10 15

Consumer to keep his meter in proper order.

54. Every consumer shall at all times, at his own expense, keep all meters belonging to him, whereby the value of the supply is to be ascertained, in proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers. 20 25

Power to the Undertakers to let meter.

55. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference, decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt. 30

Undertakers to keep meter let for hire in repair.

56. The Undertakers shall, unless the agreement of hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified, where such re-certifying is thereby rendered necessary, shall be paid by the Undertakers. 35 40

57. If any difference arises between any consumer and the Undertakers as to whether any meter, whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been
 5 correctly registered in any case by any meter, such difference shall be determined, upon the application of either party, by an electric inspector, or, where the county council are the consumers, by an inspector to be appointed by the Board of Trade, who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the
 10 decision of such inspector shall be final and binding on all parties. Subject as aforesaid, the register of the meter shall be conclusive evidence, in the absence of fraud, of the value of the supply.

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Differences as to correctness of meter to be settled by inspector.

58. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose
 15 of ascertaining the value of the supply, and the Undertakers change the method of charging for energy supplied by them from such main, the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses
 20 may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers may place meters to measure supply or to check measurement thereof.

59. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire
 25 for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum power taken by such consumer, or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern, and shall be fixed and
 30 connected with the service lines in some manner approved by the Board of Trade, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Undertakers may place meters to measure supply or to check measurement thereof.

Maps.

35 60. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply, and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause such map to be duly corrected
 40 so as to show the then existing lines. The Undertakers shall also, if so required by the Board of Trade or the Postmaster-General or the county council, cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and

Map of area of supply to be made and deposited.

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Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the Undertakers at their principal office within the area of supply, and shall at 5 all reasonable times be open to the inspection of all applicants, and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the 10 same, or any part thereof, taken by such applicant, as they may prescribe.

The Undertakers shall, if so required by the Board of Trade or the Postmaster-General or the county council or the local authority, supply to them or him a copy of any such map or section, and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept 15 for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections, they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds. 20

Special provisions in case of Transfer.

Application of
 moneys
 received by
 local authority
 as Under-
 takers.

61. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

(A.) All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money, (b) money arising from the disposal of lands 25 acquired for the purposes of this Order, and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order, shall be applied by them as follows:—

- (1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties, 30 and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers, their officers or servants, in relation to the undertaking.
- (2.) In payment of the interest or dividend on any mortgages, stock, or other securities granted and issued by the Undertakers in respect of 35 money borrowed for electricity purposes.
- (3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.
- (4.) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital. 40
- (5.) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, and the resulting income thereof in Government securities, or in any other securities in which trustees are by law for the time

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being authorised to invest, other than stock or securities of the Undertakers, and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking, or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund, when amounting to the prescribed limit, to the credit of the local rate as defined by the principal Act, or at their option shall apply such surplus, or any part thereof, to the improvement of the district for which they are the local authority, or in reduction of the capital moneys borrowed for electricity purposes.

Provided always, that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking, the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

- (1.) In the reduction of the capital moneys borrowed by them for electricity purposes.
- (2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

62. If the local authority become the Undertakers for the purposes of this Order the following provision shall have effect:—

Purchase and
use of lands.

Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade:

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Provided also, that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

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Incorporation
of sections 264
and 265 of
Public Health
Act, 1875.

63. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act" shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers.

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Notices, &c.

Notices, &c.
may be printed
or written.

64. Notices, orders, and other documents under this Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the county council or the local authority, the signature thereof by the clerk or surveyor to the county council or the local authority shall be sufficient authentication.

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Service of
notices, &c.

65. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:—

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(a.) In the case of the Board of Trade, the office of the Board of Trade;

(b.) In the case of the Postmaster-General, the General Post Office;

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(c.) In the case of the county council, the office of such council;

(d.) In the case of any local authority, the office of such local authority;

(e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company;

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(f.) In the case of a company having an office or offices, but no registered office, the principal office of that company;

(g.) In the case of any other person, the usual or last known place of abode of such person.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or

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"occupier" of the premises (naming the premises) without further name or description. A.D. 1891.

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A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works, or the performance of any duty or act, is less than seven days, the following days shall not be reckoned in the computation of such time, that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving.

Purchase by Local Authority.

66. In lieu of the period of forty-two years from the date mentioned in section two of the Electric Lighting Act, 1888, there shall be substituted, for the purposes of this Order, a period of forty-two years from the twenty-sixth day of August, one thousand eight hundred and eighty-nine, and the other provisions of the said section shall apply accordingly.

Purchase by local authority.

Revocation of Order.

67. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade may, after such inquiry as they may think necessary, and after considering any representations of the county council or the local authority, revoke this Order as to the whole, or, with the consent of the Undertakers, as to any part of the area of supply.

Revocation of Order where Undertakers are insolvent.

68. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers and of the county council and of the local authority) as to any part of the area of supply.

Revocation of Order where undertaking cannot be carried on with profit.

69. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and

Revocation of Order with consent.

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Provisions
where Order
revoked.

concurrence of the Undertakers, the county council, and the local authority, upon such terms as the Board of Trade may think just.

70. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect:—

- (a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers, and upon the county council and the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine. 10
- (b.) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking, or such part thereof as aforesaid, upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act. 15 20
- (c.) Where any purchase is so effected, the undertaking, or part thereof so purchased, shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the Undertakers or attaching to the undertaking; and the revocation of this Order as to the whole of the area of supply, or such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obligations of the Undertakers from whom the undertaking, or such part thereof as aforesaid, is purchased in relation to the supply of energy within such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority. 25 30
- (d.) Where no purchase has been effected under the preceding provisions of this section, the local authority, and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed, may (subject, however, to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care, and the Undertakers shall pay to the local authority, or other such body or person as aforesaid, such reasonable costs of such removal, and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them) as may be settled by arbitration. 35 40 45

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice, or the delivery of the award of the arbitrator (as the case may be), the local authority, or other such body or person as aforesaid, may, without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit; and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

(e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers by this Order granted to the Undertakers, or for any expenses to which such local authority, body, or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid, shall be determined by an arbitrator, to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

General.

71. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth in contravention of this Order, or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order, or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within

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Remedying
of system
and works.

A.D. 1891. the time so limited they shall be liable to a penalty not exceeding twenty
Woolwich. pounds for every day during which such default continues.

The Board of Trade may also, if they think fit, by the same or any other order made upon any such representation as aforesaid, forbid the use of any electric line or work as from such date as may be specified in that behalf 5 until the order is complied with, or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

If the Undertakers supply energy otherwise than by means of a system 10 which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

Publication of regulations.

72. All regulations and conditions made by the Board of Trade under this 15 Order or the principal Act, affecting the undertaking and for the time being in force, shall within one month after the same, as made or last altered have come into force, be printed at the expense of the Undertakers, and true copies thereof, certified by or on behalf of the Undertakers, shall be forth- with served upon the county council and the local authority, and like copies 20 shall also be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

If the Undertakers make default in complying with the provisions of this section, they shall be liable to a penalty not exceeding five pounds, and to a 25 daily penalty not exceeding five pounds.

Nature and amount of security.

73. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as, in default of agreement, may be determined, on the application of either party, by a court 30 of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every 35 sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of Board of Trade.

74. All things required or authorised under this Order to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or assistant secretary of the Board. 40

All documents purporting to be Orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall

be deemed to be such orders without further proof unless the contrary is shown. A.D. 1891.

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A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the act so certified.

75. Where this Order provides for any consent or approval of the Board of Trade, the Board may give such consent or approval subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit. Approval or consent of Board of Trade.

10 All costs and expenses of or incident to any approval, consent, certificate, or order of the Board of Trade, or of any inspector or person appointed by the Board of Trade, including the costs of any inquiry or tests for the purpose of determining whether the same should be given or made, to such amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants, and may, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary.

76. Where the Board of Trade, upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or where the Board of Trade, upon the application of the county council, the local authority, or the Undertakers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid. Notice of approval of Board of Trade, &c. to be given by advertisement.

77. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers, notice of such application shall be served on the county council and the local authority by the Undertakers, and an opportunity shall be given to the county council and the local authority to make representations or objections with reference thereto. Notice of application for extension of time, &c. to be given to local authority and county council.

78. All penalties, fees, expenses, and other moneys recoverable under this Order, or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts. Recovery and application of penalties.

Any penalty recovered on prosecution by an officer of the county council shall, if there is an electric inspector for the time being appointed by the county council, be paid to such officer, and by him to the county council, and shall be carried to the county fund.

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Any penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court shall so direct, be paid to such body or person.

Save as aforesaid, all penalties recovered summarily under this Order shall be applied according to the law regulating the application of penalties so recovered within the metropolitan police district. 5

Undertakers
to be respon-
sible for all
damages.

79. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries. 10

As to mort-
gages.

80. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect. 15 20 25

Saving clause
for Postmaster-
General.

81. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts. 30

Saving for
embankments,
&c. of county
council.

82. Nothing in this Order shall authorise the Undertakers to break up or otherwise interfere with any embankment, park, or open space for the time being vested in the county council or the local authority, except so far as any part of such embankment, park, or open space forms part of a street, or to interfere with or make use of any tunnel, sewer or subway so vested, except with the consent in writing of such council or authority, and subject to such terms and conditions as they may impose. 35

Saving
as to River
Thames.

83. Nothing in this Order shall authorise the Undertakers to interfere in any manner with the bed or shore of the River Thames, or the navigation thereof, or affect in any manner the rights, powers, or privileges of the Conservators of the River Thames. 40

84. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them.

Woolwich.
Undertakers
not exempted
from proceed-
ings for
nuisance.
Provisions as
to general
Acts.

85. Nothing in this Order shall exempt the Undertakers or their under-
5 taking from the provisions of or deprive the Undertakers of the benefits
of any general Act relating to electricity, or to the supply of or price to be
charged for energy, which may be passed after the commencement of this
Order.

SCHEDULES.

FIRST SCHEDULE.

Area of Supply.

The whole of that portion of the parish of Woolwich in the administrative
county of London which lies to the south of the River Thames.

SECOND SCHEDULE.

15 *List of Streets and parts of Streets throughout which the Undertakers are
to lay distributing Mains within a period of two years after the
commencement of this Order :—*

20 High Street (that portion between or from the junction with Glass Yard and Beresford Street).	Plumstead Road (from Beresford Square to parish eastern boundary).
Hare Street.	New Road (from Beresford Square to junction with Thomas Street).
Powis Street (from the junction with Hare Street to Green's End).	Green's End. Thomas Street (from New Road to Wellington Street).
25 William Street (from junction with Powis Street to Town Hall).	Wellington Street (from Green's End to junction with Lower Market Street).
Beresford Square.	

A.D. 1891.

THIRD SCHEDULE.

Woolwich.

List of Streets not repairable by the Local Authority, Railways and Tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order :—

(a.) *Streets :*

5

None.

(b.) *Railways :*

None.

(c.) *Tramways :*

The tramways of the Woolwich and South-East London Tramways Company, Limited. 10

FOURTH SCHEDULE.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour. 15

SECTION 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter :—For any amount up to twenty units, thirteen shillings and fourpence ; and for each unit over twenty units, eightpence. 20

SECTION 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order. 25

Electric Lighting Provisional Orders (No. 10).

A

B I L L

To confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to the city of London, Clerkenwell, St. Luke, Chelsea, St. Luke Middlesex, and Woolwich.

*(Prepared and brought in by
Sir Michael Hicks-Beach and Baron De Worms.)*

*Ordered, by The House of Commons, to be Printed,
4 May 1891.*

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[*Price 1s. 4d.*]

[Bill 313.]

A

B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Newport (Mon.), Poole, and Weybridge. A.D. 1891.

WHEREAS, under the authority of the Electric Lighting Acts, 1882 and 1888, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 45 & 46 Vict.
c. 56.
51 & 52 Vict.
c. 12.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Acts is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Acts, as set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Electric Lighting Orders Confirmation (No. 11) Act, 1891. Short title.

2. The several Orders, as set out in the schedule to this Act annexed, shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and effect. Confirmation
of Orders.

A.D. 1891.

SCHEDULE.

LIST OF ORDERS.

1. NEWPORT (MON.).—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Mayor Aldermen and Burgesses of the Borough of Newport. 5
 2. POOLE.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Brush Electrical Engineering Company Limited.
 3. WEYBRIDGE.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Weybridge Electric Supply Company Limited. 10
-

NEWPORT (MON.) ELECTRIC LIGHTING.

A.D. 1891.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 and 1888 to the Mayor Aldermen and Burgesses of the Borough of Newport in the County of Monmouth in respect of the said Borough of Newport.

*Newport
(Mon.).*

Preliminary.

1. This Order may be cited as the Newport (Mon.) Electric Lighting Order Short title.
1891.

2. This Order is to be read and construed subject in all respects to the Interpretation.
10 provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided
15 that in this Order:—

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882.

20 The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied.

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the
25 Undertakers for the purposes of general supply.

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers.

30 The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply.

The expression "general supply" shall mean the general supply of energy to ordinary consumers but shall not include the supply of energy
35 to any one or more particular consumers under special agreement.

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being authorised to supply energy under the provisions of this Order.

40 The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers.

A.D. 1891.

Newport
(*Mon.*).

The expression "consumer's terminals" shall mean the ends of electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines.

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected.

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined and any other rails or sidings.

The expression "tramway" shall mean any tramway laid along any street.

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof.

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively.

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade.

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary.

Commence-
ment of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

*Description of the Undertakers.*Description of
Undertakers.

4. Subject to the provisions of this Order the Undertakers for the purpose of this Order shall be the Mayor Aldermen and Burgesses of the Borough of Newport in the county of Monmouth.

*Area of Supply.*Area of
supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red.

*Nature and Mode of Supply.*Systems and
mode of
supply.

6. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided as follows:—

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such

regulations and conditions for securing the safety of the public and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

A.D. 1891.

Newport
(*Mon.*).

5 (2.) The Undertakers shall not without the express consent of the Board of Trade place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply; and

10 (3.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations and conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions if any of such approval.

15 *Lands.*

7. Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Purchase and
use of lands.

25 Provided also that the Undertakers shall not except with the consent of the Local Government Board take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

30 For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Works.

8. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use Provided however as respects any such railway that the

Powers for
execution of
works.

A.D. 1891. powers hereby granted shall extend only to such parts thereof as pass across
or along any highway on the level.

Newport
(*Mon.*).

Nothing in this Order shall authorise or empower the Undertakers to break
up or interfere with any street or part of a street not repairable by the local
authority or any railway or tramway except such streets railways or tram- 5
ways (if any) or such parts thereof as are specified in the said schedule
without the consent of the authority company or person by whom such
street railway or tramway is repairable or of the Board of Trade under
section thirteen of the Electric Lighting Act 1882 and where the Board of
Trade give such consent the provisions of this Order shall apply to the street 10
railway or tramway to which the consent relates as if it had been specified
in the said schedule.

Street boxes.

9. Subject to the provisions of this Order and the principal Act and any
regulations made under this Order the Undertakers may construct in any
street such boxes as may be necessary for purposes in connexion with the 15
supply of energy including apparatus for the proper ventilation of such boxes
but such boxes shall in no case be erected upon or over any existing gas main
or service pipe.

Every such box shall be for the exclusive use of the Undertakers and
under their sole control except so far as the Board of Trade may otherwise 20
order and shall be used by the Undertakers only for the purpose of leading
off service lines and other distributing conductors or for examining testing
regulating measuring directing or controlling the supply of energy or for
examining or testing the condition of the mains or other portions of the
works or for other like purposes connected with the undertaking and the 25
Undertakers may place therein meters switches and any other suitable and
proper apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be
constructed of such materials and shall be constructed and maintained by
the Undertakers in such manner as not to be a source of danger whether by 30
reason of inequality of surface or otherwise.

Notice of
works with
plan to be
served on the
Postmaster-
General.

10. Where the exercise of any of the powers of the Undertakers in relation
to the execution of any works (including the construction of boxes) will
involve the placing of any works in under along or across any street or
public bridge the following provisions shall have effect:— 35

(a.) One month before commencing the execution of such works (not being
the repairs renewals or amendments of existing works of which the
character and position are not altered) the Undertakers shall serve a
notice upon the Postmaster-General describing the proposed works
together with a plan of the works showing the mode and position 40
in which such works are intended to be executed and the manner in
which it is intended that such street or bridge is to be interfered
with and shall upon being required to do so by the Postmaster-General
give him any such further information in relation thereto as he may
desire. 45

A.D. 1891.

Newport
(*Mon.*).

(b.) The Postmaster-General may in his discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers.

(c.) Where the Postmaster-General approves any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapproves of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same.

(d.) If the Postmaster-General fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon him he shall be deemed to have approved such works and plan.

(e.) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and of the principal Act.

(f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Where any street or public bridge is repairable by the county council the Undertakers shall serve a like notice and plan upon the county council in addition to those served upon the Postmaster-General and the foregoing provisions of this section shall with the necessary modifications apply to the county council in like manner as to the Postmaster-General.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being

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Newport
(*Mon.*).As to streets
not repairable
by local
authority or
county council
railways
tramways
and canals.

at any time injuriously affected by the Undertakers' works or their supply of energy.

11. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or county council or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested:—

- (a.) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be) in this section referred to as the "owners" describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.
- (b.) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof.
- (c.) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.
- (d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible.
- (e.) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice

and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

A.D. 1891.
Newport
(Mon.).

5 (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works.

10 (g.) Where the repair renewal or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours' notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

15 (h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

12. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating 35 that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice 40 similarly served. Where such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested:—

45 (a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid

Street
authority
&c. may give
notice of desire
to break up
streets &c.
on behalf of
Undertakers.

A.D. 1891.

Newport
(*Mon.*).

except where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided or in cases of emergency.

(b.) In addition to any other notices which they may be required to give 5
under the provisions of this Order or the principal Act the Undertakers
shall not more than four days and not less than two days before the
exercise or discharge of any such powers or duties so specified as
aforesaid is required to be commenced serve a requisition upon the
givers of the notice stating the time when such exercise or discharge is 10
required to be commenced and the manner in which any such powers or
duties are required to be exercised or discharged.

(c.) Upon receipt of any such requisition as last aforesaid the givers of
the notice may proceed to exercise or discharge any such powers or
duties as required by the Undertakers subject to the like restrictions and 15
conditions as the Undertakers would themselves be subject to in such
exercise or discharge so far as the same may be applicable.

(d.) If the givers of the notice decline or for twenty-four hours after
the time when any such exercise or discharge of any powers or duties
is by any requisition required to be commenced neglect to comply with 20
such requisition the Undertakers may themselves proceed to exercise or
discharge the powers or duties therein specified in like manner as they
might have done if such notice as aforesaid had not been given to them
by the givers of the notice.

(e.) In any case of emergency the Undertakers may themselves proceed to 25
at once exercise or discharge so much of any such specified powers or
duties as aforesaid as may be necessary for the actual remedying of any
defect from which the emergency arises without serving any requisition
on the givers of the notice but in such case the Undertakers shall
within twelve hours after they begin to exercise or discharge such powers 30
or duties as aforesaid give information thereof in writing to the givers of
the notice.

(f.) If the Undertakers exercise or discharge any such specified powers or
duties as aforesaid otherwise than in accordance with the provisions of
this section they shall be liable to a penalty not exceeding ten pounds 35
for every such offence and to a daily penalty not exceeding five pounds
Provided that the Undertakers shall not be subject to any such penalties
as aforesaid if the court having cognizance of the case shall be of opinion
that the case was one of emergency and that the Undertakers complied
with the requirements of this section so far as was reasonable under the 40
circumstances.

(g.) All expenses properly incurred by the givers of the notice in complying
with any requisition of the Undertakers under this section shall be
repaid to them by the Undertakers and may be recovered summarily.

Provided that nothing in this section shall in any way affect the rights of the 45
Undertakers to exercise or discharge any powers or duties conferred or

imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

A.D. 1891.

Newport
(*Mon.*),

As to alteration of pipes, wires &c. under streets.

13. The Undertakers may alter the position of any pipes or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested :—

(a.) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as “the operators” shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as “the owners” describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(b.) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(c.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible.

(d.) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively

A.D. 1891.

Newport
(*Mon.*).

as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

- (e.) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves 5 and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided. 10
- (f.) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in 15 which such alterations are required to be made.
- (g.) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be 20 applicable.
- (h.) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such 25 statement as aforesaid had been served upon them.
- (i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily.
- (j.) Any owners may if they think fit by any statement served by them 30 under this section upon any operators not being a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where any operators have been so required to give 35 security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.
- (k.) If the operators make default in complying with any of the require- 40 ments or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty 45 not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be

subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

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Newport
(Mon.).

- 5 14. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench
10 for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as "the operators" shall unless otherwise agreed between the parties interested or in case of sudden
15 emergency give to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as "the owners" not less than three days' notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable
20 requirements as may be made by the owners or such officer for protecting from injury every such main pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owner thereof repair any damage that may be done thereto.

Laying of
electric lines
&c. near
gas or water
pipes or other
electric lines.

- Where the operators find it necessary to undermine but not alter the
25 position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

- Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas
30 electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company (as the case may be) and of the Board of Trade lay their electric lines so as to come into contact with any such mains
35 pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

- 40 If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to
45 a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalty if the court having cognizance

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of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the main pipe syphon electric line or work affected thereby and that such 5
ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company" shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any 10
body or person supplying energy under the principal Act but not under this Order.

For protection
of railway
and canal
companies.

15. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal 15
company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protec-
tion of tele-
graphic and
telephonic
wires.

16.—(1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect 20
whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works If any question arises between the Under- 25
takers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration 30
and the arbitrator (unless he is of opinion that such wire or line has been placed in unreasonable proximity to the station lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly. 35

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested 40
give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner 45
entitled to receive such notice may from time to time serve a requisition on

the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the Undertakers shall conform with such reasonable requirements as may be made by such owner
 5 for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration.

10 Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with any
 15 of the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings. Provided that the Undertakers shall not be subject
 20 to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line
 25 affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

30 *Compulsory Works.*

17.--(1.) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule and shall thereafter maintain
 35 the same.

Mains &c. to be laid down in streets specified in Second Schedule and in remainder of area of supply.

(2.) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street
 40 within the area of supply upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has

A.D. 1891. become binding upon them or such further time as may in any case be approved of by the Board of Trade.

Newport
(*Mon.*).

When any such requisition as aforesaid is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority or person by whom 5 such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf. 10

If Undertakers fail to lay down mains &c. Order may be revoked.

18. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively the Board of Trade may revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply or if the Undertakers so desire may suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order. 15

Manner in which requisition is to be made.

19. Any requisition requiring the Undertakers to lay down distributing 20 mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street.

Every such requisition shall be signed by the persons making the same and shall be served upon the Undertakers. 25

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply on application for the same and any requisition so supplied shall be deemed valid in point of form.

Provisions on requisition by owners or occupiers.

20. Where any such requisition is made by any such owners or occupiers 30 as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they declined to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three 35 years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for the supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose 40

of connecting such distributing mains with the nearest available source of supply. A.D. 1891.

Newport
(*Mon.*).

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected or in the case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement if offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry if any as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or percentage whether calculated as hereinbefore provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly. In the case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any differences arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

Supply.

21. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be

Undertakers
to furnish
sufficient
supply of
energy to
owners and
occupiers
within the
area of supply.

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(*Mon.*).

necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following (that is to say):—

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or 5 in the possession of such occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier. 10

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such 15 supply is required to commence and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged 20 by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers 25 (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

Provided always that the Undertakers may after they have given a 30 supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case 35 such owner or occupier has not already given security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

Provided also that if the owner or occupier of any such premises as 40 aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if

they think fit discontinue to supply energy to such premises so long as such user continues. A.D. 1891.

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(*Mon.*).

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

22. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt. Maximum power.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

23. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs. Penalty for failure to supply.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or by force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

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Price.

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(*Mon.*).
Methods of
charging.

24. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement):—

- (1) By the actual quantity of energy so supplied or
- (2) By the electrical quantity contained in such supply or 5
- (3) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method. 10

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall by public advertisement give notice by what method they propose to charge for energy supplied through such main and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to every consumer who is supplied by them from such main. 15 20

Maximum
prices.

25. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of charge approved of by the Board of Trade such price as the Board shall on approving such method determine. 25

Other charges
by agreement.

26. Subject to the provisions of this Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly. 30

Electric Inspectors.

Appointment
of electric
inspectors.

27. The Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order. 35

The duties of an electric inspector under this Order shall be as follows:—

- (a) The inspection and testing periodically and in special cases of the Undertakers' electric lines and works and the supply of energy given by them
- (b) The certifying and examination of meters and 40
- (c) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The Board of Trade may prescribe the fees to be taken by an electric inspector and the manner in which and the times at which his duties are to be performed.

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—
Newport
(*Mon.*).

28. The Undertakers shall pay to every electric inspector appointed under this Order such reasonable remuneration (if any) as may be determined by the Board of Trade and such remuneration may be in addition to or in substitution for any fees which are directed to be paid to electric inspectors for services rendered by them under this Order or any regulations of the Board of Trade made in pursuance of this Order as may be settled by such Board and where any such remuneration is settled to be in substitution for fees any fees payable by any party other than the Undertakers shall in lieu of being paid to such electric inspector for his own use be due and paid to him on behalf and for the use of the Undertakers and shall be carried by them to the credit of the local rate.

Remuneration
of electric
inspector.

29. The Board of Trade may if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

Inquiry by
Board of
Trade.

Testing and Inspection.

30. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of
mains.

31. An electric inspector if and when required to do so by any consumer shall on payment by such consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection

Testing of
works and
supply on
consumers'
premises.

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(*Mon.*).

and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

5

Undertakers
to establish
testing stations.

32. A court of summary jurisdiction may upon the application of any ten consumers direct the Undertakers at their own cost to establish at such places within a reasonable distance from a distributing main and keep in proper condition such reasonable number of testing stations as the court shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and thereupon the Undertakers shall establish such testing places and provide thereat such proper and suitable instruments of a pattern to be approved by the Board of Trade as the court may direct and shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.

10

15

Undertakers
to keep instru-
ments on their
premises.

33. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence.

20

Readings of
instruments
to be taken.

34. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may examine and record the readings of such instruments and any readings so recorded shall be receivable in evidence.

25

Electric
inspector
may test
Undertakers'
instruments.

35. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the same are not in order may require the Undertakers forthwith to have the same put in order.

30

Representation
of Undertakers
at testings.

36. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or other agent but such officer or agent shall not interfere with the testing or inspection.

35

Undertakers
to give
facilities for
testing.

37. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

40

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(Mon.).
 Report of
 results of
 testing.

38. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing and also to the Undertakers and
 5 such report shall be receivable in evidence.

If the Undertakers or any consumer are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and
 10 binding on all parties.

Expenses of
 electric
 inspector.

39. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by the Board of Trade and shall be paid by the Undertakers and may be recovered summarily as a civil debt.

15 Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the Board of Trade having regard to such report or decision shall direct and may be recovered
 20 summarily as a civil debt.

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court may direct.

Meters.

25 40. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained
 30 by means of an appropriate meter duly certified under the provisions of this Order.

Meters to be
 used except
 by agreement.

41. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and
 35 to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter" Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified
 40 meter unless and until it be again certified as a certified meter under the provisions of this Order.

Meter to be
 certified.

42. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining

Inspector
 to certify
 meters.

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Undertakers
to supply
meters if re-
quired to do so.

the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

43. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter 5 and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises and execute all necessary works and do all necessary acts Provided 10 that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as hereinafter provided. 15

Meters not to
be connected
or disconnected
without notice.

44. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do and if any 20 person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Consumer to
keep his meter
in proper order.

45. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so 25 doing the Undertakers may cease to supply energy through such meter.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times Provided that all reasonable expenses of, and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to 30 be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers.

Power to the
Undertakers
to let meter.

46. The Undertakers may let for hire any meter for ascertaining the value 35 of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be 40 recoverable by the Undertakers summarily as a civil debt.

Undertakers
to keep meter
let for hire in
repair.

47. The Undertakers shall unless the agreement of hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing 45

the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times. Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

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48. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector who shall order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Differences as to correctness of meter to be settled by inspector.

49. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers to pay expenses of providing new meters where method of charge altered.

50. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply. Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Undertakers may place meters to measure supply or to check measurement thereof.

Maps.

51. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected

Map of area of supply to be made and deposited.

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so as to show the then existing lines The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works other than service lines The said map and sections shall be on such scale or scales as the Board of Trade shall prescribe.

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Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

10

The Undertakers shall if so required by the Board of Trade or the Postmaster-General supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

15

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

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*Application of Moneys received.*Application
of revenue.

52. All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money (b) money arising from the disposal of lands acquired for the purposes of this Order and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

25

- (1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers their officers or servants in relation to the undertaking.
- (2.) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes.
- (3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.
- (4.) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital.
- (5.) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or

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in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

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The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or some part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the Undertakers.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

53. All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows :—

Application
of capital
moneys.

(1.) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Notices &c.

54. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the Undertakers the signature thereof by their clerk or surveyor shall be sufficient authentication.

Notices &c.
may be printed
or written.

55. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be

Service of
notices &c.

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served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively:—

- (a.) In the case of the Board of Trade the office of the Board of Trade.
- (b.) In the case of the Postmaster-General the General Post Office.
- (c.) In the case of any county council the office of such council. 5
- (d.) In the case of any local authority the office of such local authority.
- (e.) In the case of any company having a registered office the registered office of such company.
- (f.) In the case of a company having an office or offices but no registered office the principal office of such company. 10
- (g.) In the case of any other person the usual or last known place of abode of such person.

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description. 15

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises. 20

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time that is to say Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving. 25 30

Revocation of Order.

Revocation
where works
not executed.

56. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made default in executing works or supplying energy in accordance with the provisions of this Order the Board of Trade may after such inquiry as they may think necessary revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as to the Board of Trade may seem just. 35

Revocation of
Order with
consent.

57. In addition to any powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers upon such terms as the Board of Trade may think fit. 40

Provisions
where Order
revoked.

58. If the Board of Trade at any time revoke this Order as to the whole or any part of the area affected thereby any persons who may be liable to

repair any street or part of a street within such area or part thereof in which any works of the Undertakers may have been placed may forthwith remove such works with all reasonable care and the Undertakers shall pay to such persons such reasonable costs of such removal as may be specified in a notice to be served on the Undertakers by such persons or if so required by the Undertakers within one week after the service of such notice upon them as may be settled by arbitration.

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If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator as the case may be such persons as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

Transfer of Powers &c.

59.—(1.) At any time after the commencement of this Order the Undertakers may with the consent of the Board of Trade by deed to be approved by the Board of Trade transfer their powers duties liabilities and works to any company or person subject to such exceptions and modifications (if any) and for such period and upon such terms as may be specified therein and either as to the whole or any part or parts of the area of supply and during the said period but subject to the provisions of this Order such company or person shall to the extent of the powers duties and liabilities so transferred be the Undertakers for the purposes of this Order.

Transfer of
powers &c.

(2.) One month at least before any draft deed is submitted to the Board of Trade for their approval under this section notice of the intention to make such transfer shall be published by the Undertakers by advertisement and a copy of the said draft deed shall be deposited for public inspection during office hours at the principal office of the Undertakers within the area of supply and printed copies thereof shall be supplied to every person demanding the same at a price not exceeding sixpence for each copy.

(3.) Every such advertisement shall contain the following particulars:—

(a.) The area in respect of which the transfer is proposed to be made.

(b.) The period for which the transfer is proposed to be made.

(c.) The rent or other pecuniary consideration in respect of the transfer.

(d.) A general description of the powers duties or liabilities of the Undertakers proposed to be excepted or modified and of the terms upon which the transfer is proposed to be made and

(e.) The address of the office at which the copy of the said draft deed is deposited for public inspection and at which printed copies of the same

are on sale

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and such advertisement shall be inserted once at least in each of two successive weeks in one and the same newspaper circulating within the area of supply and once at least in the London Gazette.

(4.) The Undertakers may with the consent of the Board of Trade by deed to be approved in like manner renew or continue any such transfer for such period and subject to such variations or modifications (if any) as may be specified therein and the above provisions as to advertisements and particulars shall apply to such matters as are hereby required to be specified in such last-mentioned deed. 5

(5.) Where in relation to any powers duties or liabilities so transferred such company or person have in the opinion of the Board of Trade been guilty of any act in respect of which the Board of Trade are empowered to revoke this Order the Board of Trade if they think fit in lieu of revoking this Order may by order permit the Undertakers to resume the undertaking as from such day as may be fixed by the order and from and after the said day the powers duties and liabilities of the said company or persons as Undertakers shall cease and determine but without prejudice to anything done or suffered during the period of transfer. 10 15

(6.) Any questions arising between the Undertakers and the said company or persons respecting the resumption of the undertaking by the Undertakers shall be determined on the application of either party by the Board of Trade regard being had to the deed of transfer so far as applicable and the decision of the Board of Trade shall be final and conclusive. 20

(7.) As soon as practicable after any such deed is approved by the Board of Trade printed copies thereof shall be kept by the Undertakers for public inspection at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy and in case of any default herein the Undertakers shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds. 25 30

(8.) Nothing in this section shall affect any powers duties or liabilities of the Undertakers which shall not be transferred by any such deed and the Undertakers shall continue to have and be subject to such powers duties and liabilities if any.

General.

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Remedying of
system and
works.

60. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or have permitted any part of their circuits to be connected with earth or have placed any electric line above ground in contravention of this Order or (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic 40 45

line of the Postmaster-General the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that

5 behalf and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

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The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any

10 electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

15 Where the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade and fail to comply with any Order made under this section in respect thereof within the time therein limited in that behalf the Board of Trade may if they think fit revoke this Order on such terms as they may think just.

20 61. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and true copies thereof certified by or on behalf of the Undertakers shall be kept by

25 them at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

Publication
of regulations.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

30 62. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the

35 costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which

40 the same remains in their hands.

Nature and
amount of
security.

63. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or an assistant secretary of the Board.

Proceedings
of Board of
Trade.

45 All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or

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assistant secretary of the Board or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the act so certified. 5

As to approval
or consent
of Board of
Trade.

64. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit All costs and expenses of or incident to any application for any approval consent or order of the Board of Trade including the costs of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary. 10 15 20

Notice of
approval of
Board of
Trade &c. to
be given by
advertisement.

65. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the Undertakers. 25

Recovery and
application of
penalties.

66. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts. 30

Any such penalty recovered on prosecution by any body or person or any part thereof may if the court shall so direct be paid to such body or person. 35

Undertakers
to be respon-
sible for all
damages.

67. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries. 40

68. The provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act 1875 shall be incorporated with this Order and in the construction of the said provisions for the purposes of this Order "this Act" means this Order and the principal Act and the "local authority" means the Undertakers.
69. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph-Acts 1863 to '1885 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.
70. Nothing in this Order shall authorise the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Order contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.
71. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused by them.
72. Nothing in this Order shall exempt the Undertakers or their undertakers from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

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Incorporation of sections 264 and 265 of Public Health Act 1875.

Saving clause for Postmaster-General.

Saving rights of the Crown in the fore-shore.

Undertakers not exempted from proceedings for nuisance.

Provision as to general Acts.

SCHEDULES.

FIRST SCHEDULE.

AREA OF SUPPLY.

The whole of the municipal borough of Newport as the same is constituted at the commencement of this Order.

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SECOND SCHEDULE.

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(*Mon.*).

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order :—

High Street.	5
Commercial Street.	
Commercial Road.	
Llanarth Street (between Commercial Street and Dock Street).	
Dock Street.	
Baneswell Road (between High Street and Bridge Street).	10

THIRD SCHEDULE.

List of streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order :—

(a.) Streets. 15

Adeline Street, Albion Street, Alexandra Road, Alfred Street, Alice Street, Arcade, Arthur Street, Altery Road, Albany Street, Ailesbury Street, Arlington Street, Argyle Street, Aberthaw Road, Archibald Street, Artillery Place, Baldwin Street, Baneswell Square, Bishopsgate Parade, Bishop Street, Botany, Broad Street, the road leading to Bryn Glas, Bolton Road, Bath 20 Street, Bond Street, Bryngwyn Road, Belmont Road, Bridge Street, Railway Bridge, Beechwood Road, Batchelor Road, Bristol Street, Barnard Street, Birmingham Street, Brynderwyn Road, Canal Street, Canon Street, Capel Crescent, Capel Street, Castle Street, Charlotte Street, Church Street (Pill), Clarence Street, Clifton Place, Clyffard Crescent, Clytha Park Road, Con- 25 stable's Lane, Coomassie Street, Courtybella Street, Courtybella Terrace, Constance Street, Camelot Place, Crindau Road, Cemetery Lane, Crescent Road, Crown Street, David Street, Dean Street, Depot Street, Dock Parade, Dock Road, (East side of old dock), Dos Road, Duke Street, Dock Street new bridge and four approaches, East Usk Road, East Market Street, Eveswell 30 Street, Frederick Street (Tunnel Terrace), Factory Lane, Francis Steet, Faulkner Road, Frank Street, Fields Road, Frederick Street, Gloucester Place, Gloucester Street, Gold Tops, Gore Street, Gibbs Road, Godfrey Road, Glebe Street, Gordon Street, High Street Railway and Canal Bridge, Hereford Street, James Street, Jayne's Buildings, Jeddo Street, John Street, Jenkin's 35 Street, John Street (Tunnel Terrace), Kingsmill Terrace, King's Parade, Kirby Street, Lime Street, Lord Street, Lucas Street, Locke Street, Llanthewy Road, London Street, Liswerry Road, Libeneth Road, Liverpool Street, Marion

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- Street, Mellons Square, Mendalgief Road, between Cardiff Road and Watch-house Parade and the road constructed by the Alexandra (Newport and South Wales) Docks and Railway Company near the Northern and along the Western boundary of their Alexandra Dock premises and now known as
- 5 Mendalgief Road, Mill Parade, Manley Road, Manchester Street, Marriott's Place, Mill Street Railway and Canal Bridges, New Ruperra Street, New Street (Pill), Nash Road, Ombersley Road, Oaklands Road, Oakfield Road, Oxford Street, Portland Street, Potter's Parade, Potter Street, Pottery Lane, Pottery Terrace, Power Street, Prothero's Row, Penylan Road, Prince Street,
- 10 Plymouth Street, Price Street (Pill), Probert Place, Parkfield Place, Philip Street, Quiet Woman's Row, Raglan Street, Reform Buildings, Robins Lane, road to Cork Wharf, road to Dos Works and Gas Works, road to Great Western Railway High Street Station, road east of Monmouthshire Canal, Robert Street, Rodney Parade, Rose Street, road by Penner Wharf, Rudry
- 15 Street, Serpentine Road, Severn Terrace, South Market Street, Speedwell Street, Stow Park Circus, Stow Park Crescent, Somerton Road, St. John's Road, Summerhill Road, St. Mary's Road, Stanley Road, Stow Passage, Speke Street School Lane, Temple Street, Tredegar Street, Tunnell Terrace, the road to Tunnadine's Brickworks, Trinity Place, Trostre Street, Tregare
- 20 Street, Triley Street, Troston Road, Turner Street, Upper Alma Street, Upper Baldwin Street, Upper Jeddo Street, Upper Lewis Street, Upper Lime Street, Upper Marion Street, Upper Raglan Street, Upper Williams Street, Upper Adeline Street, Usk Street, Vicarage Lane, Walter Street, Williams Street, Wolseley Street, West Park Road, Wharf Road, Whitby Place, Woodland
- 25 Road, York Place.

(b.) Railways.

(1.) The following level crossings of the Alexandra (Newport and South Wales) Docks and Railway Company :—

- The level crossing in the road on the east side of the old dock and
- 30 The authorised level crossings in Mill Parade and Church Street.

(2.) The following level crossings of the Great Western Railway Company :—

The level crossings in Commercial Street near Salutation Inn.

The level crossings in the following streets or roads :—

- 35 Commercial Road - George Street crossing.
 " - Frederick Street crossing.
 " - Pillgwenlly crossing.
 Dock Street - Cross Street crossing.
 " - George Street crossing.
- 40 Cardiff Road - Herbert Street crossing.
 Moderator crossing.
 Llanarth Street crossing.
 Lower Cross Street crossing.
 Granville Street crossing.
- 45 Court-y-Bella crossings.

A.D. 1891. (3.) The level crossing of the Tredegar Wharfs Company's Railway in Commercial Road known as the Pillgwenlly crossing.

—
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(c.) Tramways.

The tramways of the Newport (Monmouthshire) Tramways Company Limited.

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FOURTH SCHEDULE.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

SECTION 1.

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Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

SECTION 2.

15

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say 20 such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

POOLE ELECTRIC LIGHTING.

A.D. 1891.

Poole.

*Provisional Order granted by the Board of Trade under the
Electric Lighting Acts 1882 and 1888 to the Brush Electrical
Engineering Company Limited in respect of a portion of the
Rural Sanitary District of Poole in the County of Dorset.*

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Preliminary.

1. This Order may be cited as the "Poole Electric Lighting Order 1891."

Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as
10 "the commencement of this Order."

Commence-
ment of Order.

3. Subject to the provisions of this Order the Undertakers for the purpose of this Order are the Brush Electrical Engineering Company Limited being a company registered under the Companies Acts 1882 to 1886 with limited liability having its registered office at No. 112 Belvedere Road London S.E.

Address and
description of
Undertakers.

15 Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above
20 mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license provisional order or special Act unless the Undertakers are authorised by Parliament to do so.

25 If in contravention of this section the Undertakers purchase or acquire any such undertaking or associate themselves with such other company or person the Board of Trade may if they think fit revoke this Order upon such terms as they may think just.

4. Subject to the provisions of this Order the area of supply shall be the
30 whole of the area included in the First Schedule annexed to this Order which said area is more particularly delineated upon the deposited map and thereon coloured pink.

Area of supply.

5. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay
35 down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament or under a license granted by the Board of Trade under the principal Act.

Prohibitions of
supply beyond
area of supply.

If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section the Board of Trade may revoke this
40 Order on such terms as they may think fit.

A.D. 1891.

Poole.

Incorporation
of sections of
Order of
1890 53 & 54
Vict. c. xcvi.

6. The sections numbered two, seven to twelve and fourteen to eighty-two all inclusive of the Bournemouth Electric Supply (Brush) Order 1890 (which Order is set out in the schedule to the Electric Lighting Orders Confirmation (No. 10) Act 1890 and is herein-after referred to as the Order of 1890) are incorporated with this Order and this Order is to be read and construed as if all such sections were expressly set out in this Order with the following modifications (that is to say):—

(a.) The expressions “First Schedule” “Second Schedule” “Third Schedule” “Fourth Schedule” as used in the said incorporated sections shall mean respectively the First Second Third and Fourth Schedules annexed to this Order.

(b.) Section 7 of the Order of 1890 shall for the purpose of being applied to this Order be read as though the sum of one hundred pounds appeared therein instead of the sum of one thousand pounds.

(c.) Sections 32 and 60 of the Order of 1890 shall be read and construed as referring to the commencement of the said Order and not to the commencement of this Order and the period of forty-two years mentioned in section 2 of the Electric Lighting Act 1888 shall be a period of forty-two years reckoned from the commencement of the said Order.

The Undertakers shall exercise the powers vested in them by virtue of this Order in all respects in accordance with and subject to the provisions contained in such sections so incorporated as aforesaid.

Prohibition
of overhead
wires.

7. The Undertakers shall not without the express consent of the local authority and of the Board of Trade place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply.

Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order they shall be removed by the Undertakers within a period of one year after such commencement; provided that this provision shall not apply to any such electric lines to which the local authority have consented.

If in contravention of this section the Undertakers place or fail to remove electric lines they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as they may think fit.

Power of
transfer.

8. At any time after the commencement of this Order the Undertakers may with the consent of each of the local authorities and of the Board of Trade and upon such terms and conditions as may be approved by the Board of Trade transfer the undertakings authorised by the Order of 1890 and this Order to a company duly constituted under the Companies' Acts 1862 to 1890 and not having power to supply energy elsewhere than within the areas of supply described in the said Orders and from and after the date of such

transfer the said company shall for the purposes of but subject to the provisions of the said Orders be the Undertakers in lieu of the company to whom the said Orders are granted.

A.D. 1891.

Poole.

- 5 any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Order contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty.

Saving rights
of the Crown
in the foreshore.

10. In this Order the expression "the local authority" means the local authority as defined by the principal Act for the area of supply included in this Order; and in the Order of 1890 the said expression means with respect to each part of the area of supply included in that Order the local authority for that part.

Interpretation.

SCHEDULES.

20

FIRST SCHEDULE.

AREA OF SUPPLY.

- The portion of the rural sanitary district of Poole in the county of Dorset bounded by a line which starting from the north-west corner of the Bournemouth borough boundary (late Bournemouth Commissioners District) on the county boundary between Hants and Dorset follows the line of the boundary of the Branksome Estate to the railway fence of the London and South Western Railway thence along the railway fence to and under the bridge leading to Gas Works Road, and proceeding by a line 300 ft. or thereabouts to the north-west of and parallel to the Gas Works Road to the north-east side of Poole Road, thence along north-east side of Poole Road, in a north-westerly direction as far as the western side of entrance to Branksome Park in Bourne Valley then crossing the Poole Road it joins the boundary line between Kinson parish and the Poole municipal district, which line it follows in an easterly and southerly direction to the sea. The eastern boundary of the proposed district is the county boundary line which extends from the sea in a northerly and easterly direction as far as the north-west angle of the Bournemouth borough boundary (late Bournemouth Commissioners District).

Provided that in case of difference between the above descriptions and the area delineated upon the deposited map the latter shall prevail.

A.D. 1891.

SECOND SCHEDULE.

Poole.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order.

So much of the following streets or parts of streets as lies within the area 5
of supply :—

Poole Road (from the county boundary westward to the premises known as "Staunton Harold").

The Avenue Road (from the Poole Road to the premises known as "Trelawne").

10

THIRD SCHEDULE.

List of streets wholly or in part not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order :—

(a.) Streets :—

15

Coy Pond Road, Branksome Wood Road, Brunstead Road, Gas Works Road, Lindsey Road, The Avenue, Western Road, Burton Road, Balcombe Road, Princess Road, Tower Road, Pine Wood Road, road connecting Princess Road with Poole Road.

(b.) Railways.—None.

20

(c.) Tramways :—

Poole and Bournemouth Tramway.

FOURTH SCHEDULE.

In this Schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of 25
one volt during one hour.

SECTION 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter :—For any amount up to twenty units, thirteen shillings 30
and fourpence and for each unit over twenty units, eightpence.

SECTION 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in Section 1 of this Schedule, the amount of 35
energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

WEYBRIDGE ELECTRIC SUPPLY.

A.D. 1891.

Weybridge.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 and 1888 to the Weybridge Electric Supply Company Limited in respect of the Parish of Weybridge in the County of Surrey.

5

Preliminary.

1. This Order may be cited as the Weybridge Electric Supply Order 1891. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888, and of any other Interpretation.
 10 Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act"; and the several words, terms, and expressions to which by the principal Act meanings are assigned, shall have in this Order the same respective meanings, provided that in this Order—

15 The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882;

The expression "power" shall mean electrical power or the rate per unit
 20 of time at which energy is supplied;

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street, subway, or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply;

25 The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply;

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers
 30 to a consumer either from any main or directly from the premises of the Undertakers;

The expression "general supply" shall mean the general supply of energy to ordinary consumers, and, unless otherwise specially agreed with the local authority, to the public lamps, but shall not include the supply
 35 of energy to any one or more particular consumers under special agreement;

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order;

40 The expression "county council" shall mean the Surrey County Council;
 The expression "the inspectors" shall mean the inspectors for the lighting of the parish of Weybridge, elected under and in pursuance of the Act

A.D. 1891.

Weybridge.

3 & 4 Will. 4, c. 90, or, if at any time that Act is superseded by the Public Health Act 1875, the local authority;

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers;

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines;

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General, shall have the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected;

The expression "railway" shall include any tramroad, that is to say, any tramway other than a tramway as herein-after defined;

The expression "tramway" shall mean any tramway laid along any street;

The expression "daily penalty" shall mean a penalty for each day on which an offence is continued after conviction thereof;

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule," shall mean the First, Second, Third and Fourth Schedules to this Order annexed respectively;

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade;

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and, where possible, a section drawn to the same horizontal scale as the plan, and to a vertical scale of at least one inch to eleven feet, with such detail plan and sections as may be necessary.

Commence-
ment of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Address and Description of the Undertakers.

Address and
description of
Undertakers.

4. The Undertakers for the purposes of this Order are the Weybridge Electric Supply Company Limited being a company registered under the Companies Acts 1862 to 1890 with limited liability and having its registered offices at Weybridge.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order, or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above-mentioned.

The Undertakers shall not purchase or acquire the undertaking of any other company or person supplying energy under any licence, Provisional

Order, or special Act, unless the Undertakers are authorised by Parliament to do so. A.D. 1891.

Weybridge.

If in contravention of this section the Undertakers purchase or acquire any such undertaking or associate themselves with such other company or person, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think just.

Area of Supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red. Area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply, otherwise than under the authority of Parliament or under a licence granted by the Board of Trade under the principal Act. Prohibition of supply beyond area of supply.

If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

7. The Undertakers, within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply. Security for execution of works.

The Undertakers shall also within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of five hundred pounds.

If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned, or fail to deposit or secure such sum as aforesaid, the Board of Trade may, after considering any representations which the local authority may make, revoke this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply, upon such terms as they may think just.

The said sum deposited or secured by the Undertakers under the provisions of this section, shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector, to be appointed by the Board of Trade, that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, or at

A.D. 1891. such earlier dates and by such instalments as may be approved by the Board of Trade.

Weybridge.

Separate
accounts to
be kept of
undertaking.

8. The Undertakers shall, except with the special approval of the Board of Trade to be previously given (after consideration of any representations which the local authority may make), at all times keep accounts of the capital 5 employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

Audit of
Undertakers'
accounts.

9. The annual statement of accounts of the undertaking, before being published as provided by section nine of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and 10 audited by such competent and impartial person as the county council shall appoint, and the remuneration of the auditor shall be such as the county council shall direct, and the same and all expenses incurred by him in or about the execution of his duties, to such an amount as the county council shall approve, shall be paid by the Undertakers on demand, and shall be 15 recoverable summarily as a civil debt.

The Undertakers shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit, and shall, when required furnish to him and them all vouchers and information requisite for such purpose, and 20 shall afford to him and them all facilities for the proper execution of his and their duty.

The county council may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted, or otherwise, for the purpose of giving effect to the provisions of this section. 25

Any report made by the auditor or such portion thereof as the Board of Trade shall direct shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section nine.

Nature and Mode of Supply.

Systems and
mode of
supply.

10. Subject to the provisions of this Order and the principal Act, the 30 Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act, provided as follows:—

- (1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade, and subject to such regulations and conditions for securing the safety of the public, 35 and for ensuring a proper and sufficient supply of energy as the Board of Trade may impose; and
- (2.) The Undertakers shall not, without the express consent of the local authority and of the Board of Trade, place any electric line above ground, except within premises in the sole occupation or control of the 40 Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply; and
- (3.) The Undertakers shall not permit any part of any circuit to be connected with earth, except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid, unless such 45

connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval.

A.D. 1891.

*Weybridge.**Works.*

- 5 11. Subject to the provisions of this Order and the principal Act, the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up or otherwise interfere with such streets, not repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule, so far as such streets, railways, and tramways, may for the time being be included in the area of supply, and be, or be upon, land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Powers for execution of works.

- 15 Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway, except such streets, railways, or tramways (if any), or such parts thereof as are specified in the said schedule without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, or of the Board of Trade under section thirteen of the Electric Lighting Act, 1882, and where the Board of Trade give such consent, the provisions of this Order shall apply to the street, railway or tramway to which the consent relates as if it had been specified in the said schedule.

- 25 12. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of such boxes: Provided that no such box or apparatus shall be placed above ground, except with the consent of the local authority body or person by whom such street is repairable.

Street boxes.

- 30 Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Board of Trade may otherwise order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing, or controlling the supply of energy, or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking; and the Undertakers may place therein meters, switches, and any other suitable and proper apparatus for any of the above purposes.

- 40 Every such box, including the upper surface or covering thereof, shall be constructed of such materials, and shall be constructed and maintained by the Undertakers in such manner, as not to be a source of danger whether by reason of inequality of surface or otherwise.

A.D. 1891.

Weybridge.

The local authority may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such boxes, and if the Undertakers, during any hours not so prescribed, remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority, they shall be liable to a penalty not exceeding five pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Notice of
works, with
plan, to be
served on the
Postmaster-
General and
local authority.

13. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in, under, along, or across any street or public bridge, the following provisions shall have effect:

- (a.) One month before commencing the execution of such works (not being the repairs, renewals or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a notice upon the Postmaster-General and the local authority describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed, and the manner in which it is intended that such street or bridge, or any sewer, drain, or tunnel therein or thereunder, is to be interfered with, and shall, upon being required to do so by the Postmaster-General or the local authority, give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.
- (b.) The Postmaster-General or the local authority, may, in his or their discretion, approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers.
- (c.) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapprove of any such works or plan the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter, and allow or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same.
- (d.) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them, he or they shall be deemed to have approved such works and plan.
- (e.) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed

to have been approved by the Postmaster-General and the local authority, or by the Board of Trade, as above mentioned, but where any such works, description and plan are so approved, or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of the principal Act.

A.D. 1891.
Weybridge.

(f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Where any street or public bridge is repairable by the county council, this section shall be read and construed as if "county council" were substituted for "local authority" wherever that expression occurs.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy.

14. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street or part of a street not repairable by the local authority or county council, or over or under any railway, tramway, or canal, the following provisions shall have effect, unless otherwise agreed between the parties interested.

As to streets not repairable by local authority, railways, tramways, and canals.

(a.) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway, tramway or canal (as the case may be), in this section referred to as the "owners," describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

A.D. 1891.

Weybridge.

- (b.) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given to the provisions thereof.
- (c.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly. 5
- (d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible. 10
- (e.) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties. 20
- (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works. 30
- (g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing or with any tramway or canal over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to the owners not less than twenty-four hours' notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act. 35
- (h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the 40 45

provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

A.D. 1891.
Weybridge.

Street authority, &c., may give notice of desire to break up streets, &c., on behalf of Undertakers.

10 15. Any body or person for the time being liable to repair any street or part of a street, or entitled to work any railway or tramway, which the Undertakers may be empowered to break up for the purposes of this Order, may, if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties
15 of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating or making good any streets, bridges, sewers, drains, tunnels, or other works vested in or under the control or management of such body or person, and may amend or revoke any such notice by another notice similarly served. Where any such body or person (in this section referred to
20 as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested:—

25 (a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency.

30 (b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the
35 notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.

40 (c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.

45 (d.) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the Undertakers may themselves proceed to exercise or

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discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.

(e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice; but in such case the Undertakers shall, within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice. 5 10

(f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 15 20

(g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers, and may be recovered summarily.

(h.) The givers of the notice may, if they think fit, require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given. 25 30 40

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up, filling in, reinstating or making good any such street or part of a street, or any such bridges, sewers, drains, tunnels, or other works, or railway or tramway as in this section mentioned. 35 40

As to alteration of pipes, wires, &c., under streets.

16. The Undertakers may alter the position of any pipes (not forming part of any sewer of the local authority), or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order; and any body or person may in like manner alter the position of any electric lines or works of the Undertakers, being under any such street or place as 45

aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested :—

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- 5 (a.) One month before commencing any such alterations the Undertakers, or such body or person (as the case may be), in this section referred to as "the operators," shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines or works (as the case may be) in this section referred to as "the owners," describing the proposed alterations, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.
- 10
- 15 (b.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof, or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.
- 20
- (c.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes, wires, electric lines or works, and may, if he thinks fit, require the operators to execute any temporary or other works, so as to avoid interference with any purpose for which such pipes, wires, electric lines, or works are used so far as may be possible.
- 25
- (d.) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or secure, may cause the alterations specified in such notice and plan as aforesaid, to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.
- 30
- 35 (e.) At any time before the operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such notification as herein-after provided.
- 40
- 45

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- (f.) Where any such statement as last aforesaid has been served upon the operators they shall, not more than forty-eight hours and not less than twenty-four hours, before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made. 5
- (g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable. 10
- (h.) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations, in like manner as they might have done if no such statement as aforesaid had been served upon them. 15
- (i.) All expenses properly incurred by the owners in complying with any notification of the operators under this section shall be repaid to them by the operators, and may be recovered summarily.
- (j.) The owners may, if they think fit, by any statement served by them under this section upon any operators, not being a local authority, require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order, and where the operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given. 20 25
- (k.) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances. 30 35 40

Laying of
electric lines,
&c., near
sewers, &c.,
or gas or
water pipes
or other
electric lines.

17. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the local authority, or any main, pipe, syphon, electric line or other work belonging to any gas electric supply or water company has been lawfully placed, or where any gas or water company 45

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require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or such gas or water company (as the case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the local authority, or to such gas, electric supply or water company, or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than three days' notice before commencing to dig or sink such trench as aforesaid, and the owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe, electric line, or work, they shall temporarily support the same in position during the execution of their works, and before completion provide a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line, crossing or liable to touch any mains, pipes, lines, or services belonging to any gas, electric supply, or water company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade; and the Undertakers shall not, except with the consent of the gas, electric supply, or water company (as the case may be), and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, lines, or services, or, except with the like consent, employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof, and in addition thereto, they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions of this section, so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence, pipe, electric line, or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall include any body or person lawfully supplying gas; the expression "water

A.D. 1891. company" shall mean any body or person lawfully supplying water or water
Weybridge. power; and the expression "electric supply company" shall mean any body
 or person supplying energy under the principal Act, but not under this
 Order.

For protection
 of railway and
 canal com-
 panies.

18. In the exercise of any of the powers of this Order relating to the 5
 execution of works, the Undertakers shall not in any way injure the railways,
 tunnels, arches, works, or conveniences belonging to any railway or canal
 company, nor obstruct or interfere with the working of the traffic passing
 along any railway or canal.

For protection
 of telegraphic
 and telephonic
 wires.

19.—(1.) The Undertakers shall take all reasonable precautions in con- 10
 structing, laying down, and placing their electric lines and other works of all
 descriptions, and in working their undertaking so as not injuriously to affect,
 whether by induction or otherwise, the working of any wire or line from
 time to time used for the purpose of telegraphic, telephonic, or electric
 signalling communication, or the currents in such wire or line, whether such 15
 wire or line be or be not in existence at the time of the laying down or placing
 of such electric lines or other works. If any question arises between the
 Undertakers and the owner of any such wire or line as to whether the
 Undertakers have constructed, laid down, or placed their electric lines or
 other works, or worked their undertaking in contravention of this sub-section 20
 and as to whether the working of such wire or line or the current therein is
 or is not injuriously affected thereby, such question shall be determined by
 arbitration; and the arbitrator (unless he is of opinion that such wire or line,
 not having been so in existence at such time as aforesaid, has been constructed
 or placed without reasonable precautions against such injurious affection) may 25
 direct the Undertakers to make any alterations in, or additions to, their
 system so as to comply with the provisions of this section, and the Under-
 takers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line,
 or to use any electric line in any manner whereby the work of telegraphic 30
 or telephonic or electric signalling communication through any wire or line
 lawfully laid down or placed in any position may be injuriously affected, the
 Undertakers shall, unless otherwise agreed between the parties interested,
 give to the owner of such wire or line, notice in writing specifying the
 course, nature, and gauge of such electric line, and the manner in which such 35
 electric line is intended to be used, and the amount and nature of the
 currents intended to be transmitted thereby and the extent to and manner in
 which (if at all) earth returns are proposed to be used; and any owner
 entitled to receive such notice may from time to time serve a requisition on
 the Undertakers requiring them to adopt such precautions as may be therein 40
 specified in regard to the laying, placing, or user of such electric line, for the
 purpose of preventing such injurious affection; and the Undertakers shall
 conform with such reasonable requirements as may be made by such owner
 for the purpose of preventing the communication through such wire or line
 from being injuriously affected as aforesaid. 45

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration. A.D. 1891.
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Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section, they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

- 20.—(1.) The Undertakers shall, within a period of two years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purpose of general supply throughout every street or part of a street specified in that behalf in the Second Schedule, and shall thereafter maintain the same. Mains, &c.,
to be laid
down in
streets
specified in
Second
Schedule and
in remainder
of area of
supply.
- (2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them, or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority, or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the

A.D. 1891. Board of Trade under section thirteen of the Electric Lighting Act, 1882,
Weybridge. for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

As to laying
of electric
line under
special
agreement.

21. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer, and not for the purposes of general supply, the Undertakers shall serve upon the local authority, and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the Undertakers intend to lay such electric line, and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

If Undertakers
fail to lay down
mains, &c.,
Order may
be revoked.

22. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may, after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, or, if the Undertakers so desire, may, after having given an opportunity to the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof, subject to such conditions as they may think fit to impose, and any conditions so imposed shall be binding on and observed by the Undertakers, and shall be of the like force and effect in every respect as though they were contained in this Order.

Manner in
which requisition is to be made.

23. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street or where the inspectors have the control and management of the public lamps in such street or part of a street by the inspectors.

Every such requisition shall be signed by the persons making the same or by or on behalf of the inspectors (as the case may be), and shall be served upon the Undertakers.

Forms of requisitions shall be kept by the Undertakers at their office, and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the inspectors on application for the same, and any requisition so supplied shall be deemed valid in point of form.

Provisions
on requisition
by owners or
occupiers.

24. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days

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- after the service of the requisition upon them, serve a notice on all the persons by whom such requisition is signed, stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of
- 5 energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice :
- 10 Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains, and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest
- 15 available source of supply.

- Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the
- 20 Undertakers an agreement severally executed by such persons or some of them, binding them to take, or guaranteeing that there shall be taken, for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice, or determined
- 25 by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

- 30 If the Undertakers consider that the requisition is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be varied they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade who, after such inquiry, if any, as they shall think fit, may by order either determine that the requisition is
- 35 unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or percentage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall
- 40 be varied accordingly.

In the case of any such appeal to the Board of Trade, any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

- If any difference arises between the Undertakers and any persons signing
- 45 any such requisition as to any such notice, or agreement such difference shall, subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid, be determined by arbitration.

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*Weybridge.*Provisions on
requisition by
inspectors.

25. Where any such requisition is made by the inspectors it shall not be binding on the Undertakers unless at the time when such service is effected or within fourteen days thereafter, there be tendered to the Undertakers (if required by them) an agreement executed by the inspectors, and binding them to take for a period of three years at the least a supply of energy 5 for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

*Supply.*Undertakers
to furnish
sufficient
supply of
energy to
owners and
occupiers
within the
area of
supply.

26. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing 10 main of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions, subject to which they are authorised to supply energy under 15 this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this 20 Order, subject to the conditions following; (that is to say.)

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers, although not on such 25 property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—
Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be 30 supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a 35 period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any 40 electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in 45 respect of energy to be supplied by them.

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Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may
5 become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure
10 continues.

Provided also, that if the owner or occupier of any such premises as aforesaid uses any form of lamp, or uses the energy supplied to him by the Undertakers for any purposes, or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any
15 other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises so long as such user continues.

Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the
20 electric lines fittings and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy, or as to any alleged defect in any electric lines, fittings, or apparatus, such
25 difference shall be determined by arbitration.

27. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the
30 Undertakers to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers
35 upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt.

Maximum
power.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises, or as to the reasonableness of any expenses under this section,
40 such difference shall be determined by arbitration.

28. The Undertakers upon receiving reasonable notice from the inspectors requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy
45 for the purposes of general supply under this Order or any regulations and conditions subject to which they are authorised to supply energy under this

Supply of
energy to
public lamps.

A.D. 1891. Order shall give and continue to give a supply of energy in such quantities as the inspectors may require to be supplied.

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Penalty for failure to supply.

29. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding 5 forty shillings in respect of every such default for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect 10 of every such default for each such lamp, and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order, they shall be liable to such 15 penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Under- 20 takers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure, or was of so slight or unimportant a character as not materially to affect the value of the supply. 25

Price.

Methods of charging.

30. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1.) By the actual amount of energy so supplied ; or,
- (2.) By the electrical quantity contained in such supply ; or, 30
- (3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their 35 option by the actual amount of energy supplied to him, or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall 40 give notice to the inspectors and the local authority by what method they propose to charge for energy supplied through such main ; and if the local authority become the Undertakers under this Order they shall give the

like notice by public advertisement, and, where the Undertakers have given any such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the inspectors and the local authority and to every consumer of energy who is supplied by them from such main.

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31. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade shall on approving such method determine.

Maximum
prices.

Provided that if the local authority or the Undertakers shall, at any time after the expiration of seven years after the commencement of this Order, make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered, the Board of Trade, after such inquiry as they may think fit, may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order, as if they had been stated in the said schedule: Provided also, that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

32. Subject to the provisions of this Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained, and may charge accordingly.

Other charges
by agreement.

33. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained, shall be such as may for the time being be agreed upon between the Undertakers and the inspectors, or as, in default of agreement, may be settled by arbitration, regard being had to the circumstances of the case, and the distributing or other mains (if any) which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district.

Price to public
lamps.

Electric Inspectors.

34. The local authority, so long as they are not themselves the Undertakers for the purposes of this Order, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspector or inspectors under this Order.

Appointment
of electric
inspectors.

If no electric inspector is appointed by the local authority or if the inspection of electric lines and works is imperfectly attended to by the local

A.D. 1891. authority or if the local authority themselves become the Undertakers for
Weybridge. the purposes of this Order, the Board of Trade, on the application of any
 consumer, or of the Undertakers, may appoint, and keep appointed, one or
 more competent and impartial person or persons to be electric inspector or
 inspectors under this Order.

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The duties of an electric inspector under this Order shall be as follows :—

(a.) The inspection and testing, periodically and in special cases, of the
 Undertakers' electric lines and works and the supply of energy given
 by them ;

(b.) The certifying and examination of meters ; and,

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(c.) Such other duties in relation to the undertaking as may be required
 of him under the provisions of this Order or of any regulations under
 this Order.

The local authority with the approval of the Board of Trade, or the Board
 of Trade, if the electric inspector is appointed by them, may prescribe the
 manner in which and the times at which any such duties are to be performed
 by an electric inspector, and also the fees to be taken by him, and such fees
 shall be accounted for and applied as may be directed by the local authority
 or the Board of Trade, as the case may be.

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Remuneration
 of electric
 inspectors.

35. The local authority may pay to any electric inspector appointed by
 them under this Order such reasonable remuneration (if any) as they may
 determine, and such remuneration may be in addition to, or in substi-
 tution for, any fees directed to be paid to electric inspectors for services
 rendered by them in respect of their duties under this Order, or any regula-
 tions of the Board of Trade made in pursuance of this Order or the principal
 Act, according as the local authority shall determine.

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Inquiry by
 Board of
 Trade.

36. The Board of Trade may also, if they deem it necessary, appoint any
 electric inspector or other fit person or persons to inquire and report as to
 the cause of any accident affecting the safety of the public, which may have
 been occasioned by or in connexion with the Undertakers' works, or as to
 the manner and extent in and to which the provisions of this Order and the
 principal Act, and of any regulations under this Order, so far as such pro-
 visions affect the safety of the public, have been complied with by the
 Undertakers ; and any person appointed under this section, not being an
 electric inspector, shall for the purposes of his appointment have all the
 powers of an electric inspector under this Order.

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Testing and Inspection.

Testing of
 mains.

37. On the occasion of the testing of any main of the Undertakers, reason-
 able notice thereof shall be given to the Undertakers by the electric inspector
 and such testing shall be carried out at such suitable hours as, in the opinion
 of the inspector, will least interfere with the supply of energy by the Under-
 takers, and in such manner as the inspector may think expedient, but, except
 under the provisions of a special order in that behalf made by the Board
 of Trade, he shall not be entitled to have access to or interfere with the

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mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such

5 inspector for the purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade.

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38. An electric inspector, if and when required to do so by any consumer,
- 10 shall on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of
- 15 this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Testing of
works and
supply on
consumer's
premises.

39. The Undertakers shall at such places within a reasonable distance from a distributing main, establish at their own cost and keep in proper condition such reasonable number of testing stations as the local authority
- 20 or where the local authority are the Undertakers as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such
- 25 mains, and supply energy thereto for the purpose of such testing.

Undertakers
to establish
testing stations.

- If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any excessive or improper use of energy for such testing, or as to the performance
- 30 by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

40. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or
- 35 prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence.

Undertakers
to keep instru-
ments on their
premises.

41. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at
- 40 any testing station or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence.

Readings of
instruments
to be taken.

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*Weybridge.*Electric
inspector may
test Under-
takers' instru-
ments.

42. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the same are not in order he may require the Undertakers forthwith to have the same put in order. 5

Representation
of Undertakers
at testings.

43. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection. 10

Undertakers to
give facilities
for testing.

44. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound. 15

Report of
results of
testing.

45. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence. 20

If the Undertakers, the local authority, or any consumer are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties. 25

Expenses of
electric
inspector.

46. Save as otherwise provided by this Order, or by any regulations under this Order, all fees and reasonable expenses of an electric inspector, shall, unless agreed, be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade, and shall be paid by the Undertakers. 30

Provided that where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, such fees and expenses shall, on being ascertained as above mentioned, be paid by such consumer or consumers as the court or Board, having regard to such report or decision, shall direct, and may be recovered summarily as a civil debt. 35

Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct. 40

Meters.

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Meters to be
used except
by agreement.

47. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this
5 Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

48. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this
10 Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter": Provided that where any alteration is made in any certified meter, or where any such meter is unfixed or dis-
15 connected from the service lines, such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Meter to be
certified.

49. Every electric inspector, on being required to do so by the Undertakers or by any consumer, and on payment of the prescribed fee by the party so
20 requiring him, shall examine any meter intended for ascertaining the value of the supply, and shall certify the same as a certified meter if he considers it entitled to be so certified.

Inspector to
certify meters.

50. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if
25 required so to do by the consumer, supply him with an appropriate meter and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises
30 and execute all necessary works and do all necessary acts; provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or if he desires to hire such meter may require him to enter into an agreement for the hire of such meter as herein-
35 after provided.

Undertakers
to supply
meter if
required to
do so.

51. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line, unless he has given to the Undertakers not less
40 than forty-eight hours' notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Meter not
to be connected
or disconnected
without notice.

52. Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is under this Order to

Consumer to
keep his meter
in proper
order.

A.D. 1891. be ascertained, in proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

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The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

Power to the Undertakers to let meter.

53. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to keep meters let for hire in repair.

54. The Undertakers shall, unless the agreement of hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall be paid by the Undertakers.

Differences as to correctness of meter to be settled by inspector.

55. If any difference arises between any consumer and the Undertakers as to whether any meter, whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined upon the application of either party by an electric inspector or where the local authority are the consumers, by an inspector to be appointed by the Board of Trade, who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid, the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Undertakers to pay expenses of providing new meters where method of charge altered.

56. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the Undertakers change the method of charging for energy supplied by them from

such main, the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

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57. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum amount of such supply, or any other quantity or time connected therewith: Provided that such meter or apparatus shall be of some construction and pattern, and shall be fixed and connected with the service lines in some manner approved by the Board of Trade, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Undertakers may place meters to measure supply or to check measurement thereof.

Maps.

58. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also, if so required by the Board of Trade or the Postmaster-General, cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Map of area of supply to be made and deposited.

Every map and section so made or corrected, or a copy thereof, with the date expressed thereon of the last time when it was so corrected shall be kept by the Undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section or copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof taken by such applicant, as they may prescribe.

The Undertakers shall, if so required by the Board of Trade, the local authority, or the Postmaster-General, supply to them or him, a copy of any such map or section, and cause such copy to be duly corrected so as to agree with the original or originals thereof, as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections, they shall for every such offence

A.D. 1891. be liable to a penalty not exceeding ten pounds, and to a daily penalty not
 Weybridge. exceeding two pounds.

Special Provisions in case of Transfer to Local Authority.

Application
of revenue.

59. If the local authority become the Undertakers for the purposes of this
 Order the following provisions shall have effect:—

(A.) All moneys received by the Undertakers in respect of the undertaking
 except (a) borrowed money (b) money arising from the disposal of lands
 acquired for the purposes of this Order, and (c) money not of the nature of
 rent received by them in respect of any transfer under the provisions of this
 Order, shall be applied by them as follows:—

(1.) In payment of the working and establishment expenses and cost of
 maintenance of the undertaking, including all costs, expenses, penalties,
 and damages incurred or payable by the Undertakers consequent upon
 any proceedings by or against the Undertakers, their officers or servants
 in relation to the undertaking.

(2.) In payment of the interest or dividend on any mortgages, stock, or
 other securities granted and issued by the Undertakers in respect of
 money borrowed for electricity purposes.

(3.) In providing any instalments or sinking fund required to be provided
 in respect of moneys borrowed for electricity purposes.

(4.) In payment of all other their expenses of executing this Order, not
 being expenses properly chargeable to capital.

(5.) In providing a reserve fund, if they think fit, by setting aside such
 money as they may from time to time think reasonable, and investing
 the same, and the resulting income thereof in Government securities, or
 in any other securities in which trustees are by law for the time
 being authorised to invest, other than stock or securities of the Under-
 takers, and accumulating the same at compound interest until the fund
 so formed amounts to one-tenth of the aggregate capital expenditure on
 the undertaking, which fund shall be applicable to answer any
 deficiency at any time happening in the income of the Undertakers
 from the undertaking, or to meet any extraordinary claim or demand at
 any time arising against the Undertakers in respect of the undertaking,
 and so that if that fund is at any time reduced it may thereafter be
 again restored to the prescribed limit and so from time to time as often
 as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and
 the annual proceeds of the reserve fund, when amounting to the prescribed
 limit, to the credit of the local rate as defined by the principal Act, or at
 their option shall apply such surplus, or some part thereof, to the improve-
 ment of the borough and public benefit of the inhabitants, or in reduction of
 the capital moneys borrowed for electricity purposes.

Provided always, that if the surplus in any year exceed five pounds per
 centum per annum upon the aggregate capital expenditure on the under-

taking, the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

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*Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

Application of capital moneys.

- (1.) In the reduction of the capital moneys borrowed by them for electricity purposes.
- (2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

60. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

Purchase and use of lands.

Subject to the provisions of this Order and the principal Act, the Undertakers may acquire, by purchase or on lease, any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section, which may not for the time being be required for the purposes of this Order. Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages; hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

61. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order, and in the construction of the said provisions "this Act"

Incorporation of sections 264 and 265 of Public Health Act, 1875.

A.D. 1891. shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers.

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Notices, &c.

Notices, &c.,
may be printed
or written.

62. Notices, orders, and other documents under this Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the local authority, the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

Service of
notices, &c.

63. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:—

- (a.) In the case of the Board of Trade, the office of the Board of Trade;
- (b.) In the case of the Postmaster-General, the General Post Office;
- (c.) In the case of the county council, the office of the said council;
- (d.) In the case of the local authority, the office of the said authority;
- (e.) In the case of the inspectors, at the office of the said inspectors;
- (f.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company;
- (g.) In the case of a company having an office or offices, but no registered office, the principal office of that company;
- (h.) In the case of any other person, the usual or last known place of abode of such person.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days, the following days shall not be reckoned in the computation of such time, that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving.

Revocation of Order.

Revocation of
Order where
Undertakers
are insolvent.

64. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in

executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this order the Board of Trade may after such inquiry as they may think necessary and after considering any representations of the local authority, revoke this Order as to the whole, or with the consent of the Undertakers, as to any part of the area of supply.

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65. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers and of the local authority) as to any part of the area of supply.

Revocation of
Order where
undertaking
cannot be
carried on with
profit.

66. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just.

Revocation of
Order with
consent.

67. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect:—

Provisions
where Order
revoked.

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine.

(b.) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking or such part thereof as aforesaid upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by them for the purposes of the undertaking within such area or part thereof, such value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act.

(c.) Where any purchase is so effected, the undertaking, or part thereof so purchased, shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the Undertakers or attaching to the undertaking; and the revocation of this Order, as to the whole of the area of supply, or such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obliga-

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tions of the Undertakers from whom the undertaking, or such part thereof as aforesaid is purchased, in relation to the supply of energy within such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority.

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- (d.) Where no purchase has been effected under the preceding provisions of this section, the local authority, and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed, may (subject however to any agreement between the local authority or such body or person and the Undertakers, providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care, and the Undertakers shall pay to the local authority, or other such body or person as aforesaid, such reasonable costs of such removal, and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them), as may be settled by arbitration.

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If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice, or the delivery of the award of the arbitrator (as the case may be), the local authority, or other such body or person as aforesaid may, without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit; and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

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- (e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers by this Order granted to the Undertakers, or for any expenses to which such local authority, body, or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims, and the persons to whom it is to be

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paid, shall be determined by an arbitrator, to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

A.D. 1891.
Weybridge.

General.

- 5 68. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth or have placed any electric line above ground in contravention of, this Order, or (b) that any electric lines
10 or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order, or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety, or injuriously affects any
15 telegraphic line of the Postmaster-General, the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in
20 complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

Remedying of
system and
works.

- The Board of Trade may also, if they think fit, by the same or any other order made upon any such representation as aforesaid, forbid the use
25 of any electric line or work as from such date as may be specified in that behalf until the order is complied with, or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user
30 continues.

- If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon
35 such terms as they may think fit.

69. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking and for the time being in force, shall within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and true copies
40 thereof, certified by or on behalf of the Undertakers, shall be kept by them at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

Publication
of regulation s

- If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds, and to a
45 daily penalty not exceeding five pounds.

A.D. 1891.

*Weybridge.*Nature and
amount of
security.

70. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default of agreement may be determined, on the application of either party, by a court of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings
of Board of
Trade.

71. All things required or authorised under this Order to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the act so certified.

As to approval
or consent of
Board of Trade.

72. Where this Order provides for any consent or approval of the Board of Trade, the Board may give such consent or approval, subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit. All costs and expenses of or incident to any application for any approval, consent, or order of the Board of Trade, including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same, as they may think fit, to be prepared and deposited at their office at the expense of the said applicant or applicants, and may, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary.

Notice of
approval of
Board of
Trade, &c., to
be given by
advertisement.

73. Where the Board of Trade, upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or where the Board of Trade, upon the application of the local authority or the Undertakers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body to whom such application was made as aforesaid.

74. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers, notice of such application shall be served on the local authority by the Undertakers, and an opportunity shall be given to the local authority to make representations or objections with reference thereto.

A.D. 1891.

Weybridge.

Notice of application for extension of time, &c. to be given to local authority. Recovery and application of penalties.

75. All penalties, fees, expenses, and other moneys recoverable under this Order, or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

10 Any penalty recovered on prosecution by an officer of the local authority shall, if there is an electric inspector for the time being appointed by the local authority, be paid to such officer and by him to the local authority, and shall be applied in aid of the local rate.

Any penalty recovered on prosecution by any other body or person, or
15 any part thereof, may, if the court shall so direct, be paid to such body or person.

76. The Undertakers shall be answerable for all accidents, damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

Undertakers to be responsible for all damages.

25 77. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being sold or transferred as aforesaid, and that
30 every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

As to mortgages.

78. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving clause for Postmaster-General.

79. Nothing in this Order shall authorise the Undertakers to interfere in any manner with the bed or shore of the River Thames, or the navigation thereof, or affect in any manner the rights, powers, or privileges of the Conservators of the River Thames.

For protection of Conservators of River Thames.

A.D. 1891.

Weybridge.
Undertakers
not exempted
from proceed-
ings for
nuisance.
Provision as
to general
Acts.

80. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them.

81. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity, or to the supply of or price to be charged for energy, which may be passed after the commencement of this Order.

Temporary Provision.

Removal of
existing over-
head wires.

82. Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except so far as the placing thereof above ground is permitted by this Order), they shall be removed by the Undertakers within a period of two years after such commencement.

If the Undertakers place any electric lines in contravention of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as they may think fit.

SCHEDULES.

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FIRST SCHEDULE.

Area of Supply.

The whole of the parish of Weybridge, in the county of Surrey.

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to erect or lay down distributing mains within a period of two years from the commencement of this Order :—

Addlestone Road (part of).	Queen's Road.	
Baker Street.	St. George's Avenue.	
Brooklanes.	Station Road East.	30
Byfleet Road (part of).	Station Road West.	
Church Street.	Thames Street.	
Elgin Road.	The Green.	
High Street.	Waverley Road.	
Monument Hill.	York Road.	
Oatlands Park Road.	Weybridge Heath Road leading	35
Pine Grove.	over Weybridge Common.	
Prince's Road.		

THIRD SCHEDULE.

A.D. 1891.

Weybridge.

List of streets not repairable by the local authority, railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order :—

- 5 (a.) Streets :—
 Cavendish Road. Park Road.
 Egerton Road. Portmore Park.
 Elm Grove Road. A new road by the Village
 Grotto Road. Hall.
- 10 Two roads through Portmore
 Park leading out of Thames
 Street.
- (b.) Railways.—None.
 (c.) Tramways.—None.

15

FOURTH SCHEDULE.

In this schedule—

The expression “unit” shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

20

SECTION 1.

Where the Undertakers charge any consumer by the actual quantity of energy supplied to him, they shall be entitled to charge him at the following rates per quarter :—For any quantity up to twenty units sixteen shillings and eightpence and for each unit over twenty units, tenpence.

25

SECTION 2.

- Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.
- 30

Electric Lighting Provisional Orders (No. 1)

A

B I L L

To confirm certain Provisional Orders made
by the Board of Trade under the Electric
Lighting Acts, 1882 and 1888 relating to
Newport (Mon.), Poole, and Weybridge.

*(Prepared and brought in by
Sir Michael Hicks Beach and Baron Henry De Worms)*

*Ordered, by The House of Commons, to be Printed,
4 May 1891.*

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[*Price 8d.*]

[Bill 314.]

A

B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Leeds and Newcastle-upon-Tyne. A.D. 1891.

WHEREAS under the authority of the Electric Lighting Acts, 1882 and 1888, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed :

45 & 46 Vict.
c. 56.
51 & 52 Vict.
c. 12.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Acts is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Acts, as set out in the schedule to this Act annexed, be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Electric Lighting Orders Confirmation (No. 12) Act, 1891.

2. The several Orders, as set out in the schedule to this Act annexed, shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and effect.

A.D. 1891.

SCHEDULE.

LIST OF ORDERS.

1. LEEDS.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Yorkshire House-to-House Electricity Company, Limited. 5
2. NEWCASTLE-UPON-TYNE.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Newcastle and District Electric Lighting Company.

LEEDS ELECTRIC LIGHTING.

A.D. 1891.

Leeds.

Provisional Order authorising the Yorkshire House-to-House Electricity Company (Limited), to construct and maintain Electric Lines and Works, and to supply Electricity within the Borough of Leeds, in the County of York.

Preliminary.

1. This Order may be cited as the Leeds Electric Supply Order, 1891.

Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act"; and the several words, terms, and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings, provided that in this Order—

Interpretation.

15 The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882:

20 The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied:

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street, or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

25 The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to consumer either from any main or directly from the premises of the Undertakers:

30 The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

35 The expression "general supply" shall mean the general supply of energy to ordinary consumers, and, unless otherwise specially agreed with the local authority, to the public lamps, but shall not include the supply of energy to any one or more particular consumers under special agreement:

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order:

40 The expression "county council" shall mean the council of the county borough of Leeds:

A.D. 1891.

Leeds.

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers :

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines :

The expression "telegraphic line," when used with respect to any telegraphic line of the Postmaster-General, shall have the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected :

The expression "railway" shall include any tramroad, that is to say, any tramway other than a tramway as herein-after defined :

The expression "tramway" shall mean any tramway laid along any street :

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof :

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule" shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively :

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade :

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 88 feet, and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to 11 feet with such detail plan and sections as may be necessary.

Commence-
ment of
Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Address and Description of the Undertakers.

Address and
description
of Under-
takers.

4. The Undertakers for the purposes of this Order are the Yorkshire House-to-House Electricity Company (Limited), being a company registered under the Companies Acts, 1862 to 1890, with limited liability, and having its registered offices at No. 32, Park Row, Leeds. The whole of the capital of the company shall be appropriated and used exclusively in carrying out the provisions of this Order within the borough of Leeds. Provided that if the Undertakers, with the consent of the Corporation of Leeds, obtain a license, order, or special Act, authorising them to supply energy in any area without but contiguous to the borough of Leeds, nothing in this section shall prevent the Undertakers from using or appropriating the said capital for the purposes of the undertaking so authorised, so far as the same may be required and available.

A.D. 1891.
Leeds.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order, or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license, Provisional Order, or special Act, unless the Undertakers are authorised by Parliament to do so.

If in contravention of this section the Undertakers purchase or acquire any such undertaking, or associate themselves with such other company or person, or appropriate or use their capital otherwise than as provided by this section, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think just.

Area of Supply.

5. Subject to the provisions of this Order, the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated on the deposited map and thereon edged with a red line.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply, otherwise than under the authority of Parliament, or under a license granted by the Board of Trade.

If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

The Undertakers shall also, within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of five thousand pounds.

If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned, or fail to deposit or secure such sum as aforesaid, the Board of

A.D. 1891. Trade may, after considering any representations which the local authority
Leeds. may make, revoke this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply, upon such terms as they may think just.

The said sum deposited or secured by the Undertakers under the provisions 5
of this section shall be repaid or released to them from time to time in equal
moieties, when and so soon as it may be certified by an inspector, to be
appointed by the Board of Trade, that amounts equal to the sums so to be
repaid or released have been expended by the Undertakers upon works
executed for the purposes of the undertaking, or that distributing mains have 10
been duly laid down in accordance with the provisions of this Order in
every street, or part of a street, specified in that behalf in the Second
Schedule, or at such earlier dates and by such instalments as may be
approved by the Board of Trade.

Separate
accounts to be
kept of under-
taking.

8. The Undertakers shall, except with the special approval of the Board 15
of Trade, to be previously given (after consideration of any representations
which the local authority may make), at all times keep accounts of the
capital employed for the purposes of the undertaking distinct from the
accounts kept by them in respect of any other undertaking or business.

Audit of
Undertakers
accounts.

9. The annual statement of accounts of the undertaking, before being 20
published as provided by section nine of the Electric Lighting Act, 1882,
shall, so long as the local authority are not the Undertakers, be examined
and audited by such competent and impartial person as the Board of Trade
shall appoint, and the remuneration of the auditor shall be such as the
Board of Trade shall direct, and the same and all expenses incurred by him 25
in or about the execution of his duties, to such an amount as the Board of
Trade shall approve, shall be paid by the Undertakers on demand, and shall
be recoverable summarily as a civil debt.

The Undertakers shall give to the auditor, his clerks and assistants, access
to such of the books and documents relating to the undertaking as shall be 30
necessary for the purposes of the audit, and shall, when required, furnish to
him and them all vouchers and information requisite for such purpose, and
shall afford to him and them all facilities for the proper execution of his and
their duty.

The Board of Trade may make and vary regulations prescribing the times 35
at and the mode in which such audit shall be made and conducted or
otherwise for the purpose of giving effect to the provisions of this section.

Any report made by the auditor, or such portion thereof as the Board of
Trade shall direct, shall be appended to the annual statement of accounts, and
shall form part thereof for the purposes of the said section nine, and it shall 40
be competent to the said auditor to order amendments of the accounts by
transferring sums from capital to revenue or from revenue to capital and to
make allowances for depreciation as he may deem fit, and such annual state-
ment shall set forth the amount certified by such auditor as the capital value
of the undertaking at the date thereof. 45

A.D. 1891.

*Nature and Mode of Supply.**Leeds.*Systems and
mode of
supply.

10. Subject to the provisions of this Order and the principal Act, the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act, provided as follows:—

- 5 (1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade, and subject to such regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and
- 10 (2.) The Undertakers shall not, without the express consent of the local authority and the Board of Trade, place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply; and
- 15 (3.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance
- 20 with the conditions, if any, of such approval.

Works.

11. Subject to the provisions of this Order and the principal Act, the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets not
- 25 repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule, so far as such streets, railways, and tramways may for the time being be included in the area of supply, and be or be upon land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such
- 30 parts thereof as pass across or along any highway on the level.

Powers for
execution of
works.

- Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority, or any railway or tramway, except such streets, railways, or tramways, if any, or such parts thereof as are specified in the said schedule,
- 35 without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, or of the Board of Trade under section 13 of the Electric Lighting Act, 1882, and where the Board of Trade give such consent, the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates as if it had been specified in the said
- 40 schedule.

12. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of such

Street boxes.

A.D. 1891. boxes: Provided that no such box shall be placed above ground except with
 Leeds. the consent of the local authority, body, or person by whom such street is
 repairable.

Every such box shall be for the exclusive use of the Undertakers and under
 their sole control, except so far as the Board of Trade may otherwise order, 5
 and shall be used by the Undertakers only for the purpose of leading off
 service lines and other distributing conductors, or for examining, testing,
 regulating, measuring, directing, or controlling the supply of energy, or for
 examining or testing the condition of the mains or other portions of the
 works, or for other like purposes connected with the undertaking; and the 10
 Undertakers may place therein meters, switches, and any other suitable and
 proper apparatus for any of the above purposes.

Every such box, including the upper surface or covering thereof, shall be
 constructed of such materials, and shall be constructed and maintained by the
 Undertakers in such manner, as not to be a source of danger, whether by 15
 reason of inequality of surface or otherwise.

The local authority may, with the approval of the Board of Trade, prescribe
 the hours during which the Undertakers are to have access to such boxes, and
 if the Undertakers, during any hours not so prescribed, remove or displace or
 keep removed or displaced the upper surface or covering of any box, without 20
 the consent of the local authority, they shall be liable to a penalty not
 exceeding five pounds for every such offence, and to a daily penalty not
 exceeding five pounds: Provided that the Undertakers shall not be subject
 to any such penalties as aforesaid if the court having cognizance of the
 case shall be of opinion that the case was one of emergency, and that 25
 the Undertakers complied with the requirements of this section so far as was
 reasonable under the circumstances.

Notice of
 works, with
 plan, to be
 served on the
 Postmaster-
 General and
 local authority.

13. Where the exercise of any of the powers of the Undertakers in relation
 to the execution of any works (including the construction of boxes) will
 involve the placing of any works in, under, along, or across any street or 30
 public bridge, the following provisions shall have effect:—

- (a.) One month before commencing the execution of such works (not being
 the repairs, renewals, or amendments of existing works of which the
 character and position are not altered) the Undertakers shall serve a
 notice upon the Postmaster-General and the local authority describing 35
 the proposed works, together with a plan of the works showing the mode
 and position in which such works are intended to be executed, and the
 manner in which it is intended that such street or bridge, or any sewer,
 drain, or tunnel therein or thereunder, is to be interfered with, and shall,
 upon being required to do so by the Postmaster-General or the local 40
 authority, give him or them any such further information in relation
 thereto as he or they may desire. In calculating the above-mentioned
 period of one month, no part of the month of August shall be included.
- (b.) The Postmaster-General or the local authority may in his or their
 discretion approve of any such works or plan, subject to such 45

amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers.

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Leeds.

(c.) Where the Postmaster-General or the local authority approve any such works or plan, subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapprove of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter, and allow or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same.

(d.) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them, he or they shall be deemed to have approved such works and plan.

(e.) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General and the local authority or by the Board of Trade as above mentioned; but where any such works, description, and plan are so approved, or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of the principal Act.

(f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law, in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy.

14. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street or part of a street not repairable by the local authority, or over or under any railway, tramway, or canal, the following

As to streets not repairable by local authority, railways, tramways, and canals.

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B

A.D. 1891. provisions shall have effect, unless otherwise agreed between the parties
 Leeds. interested:—

- (a.) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in 5 addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the 10 "owners," describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire. 15
- (b.) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given to the provisions thereof.
- (c.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon 20 the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly. 25
- (d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway, or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible. 30
- (e.) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be 35 executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications 40 thereof respectively as may have been settled by arbitration as hereinbefore mentioned, or as may be agreed upon between the parties.
- (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works. 45

(g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing, or with any tramway over or under which such works have been placed, the Undertakers shall, unless

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otherwise agreed between the parties, or in cases of emergency, give to the owners not less than twenty-four hours' notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

(h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

15. Any body or person for the time being liable to repair any street or part of a street, or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order, may if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, gas and water pipes, tunnels, or other works vested in or under the control or management of such body or person, and may amend or revoke any such notice by another notice similarly served. Where any such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested:—

Street authority, &c., may give notice of desire to break up streets, &c., on behalf of Undertakers.

(a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency.

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- (b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged. 5
- (c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers, subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable. 10
- (d.) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice. 15 20
- (e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid, as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice; but in such case the Undertakers shall, within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice. 25
- (f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 30 35
- (g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers, and may be recovered summarily. 40
- (h.) The Undertakers shall, before exercising any of the powers conferred on them in relation to the execution of works, deposit with the bankers of the local authority and in their names a sum of one thousand pounds, which until reduced as herein-after provided shall remain as a security for the due payment of the expenses incurred from time to time by the 45

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5 local authority in executing any works which the local authority are
empowered or may be required to execute under the provisions of this
Order. The local authority shall render to the Undertakers monthly
accounts of expenses incurred by them under this section, and the
10 Undertakers shall pay the amount of each such account within seven
days after receipt thereof. Whilst any such payment is in arrear the
local authority may recoup themselves out of the said deposit, and they
shall not be bound to commence or continue any work while any such
payment is in arrear, or the deposit for the time being is less than one
15 thousand pounds. Provided that when the distributing mains have been
duly laid down in accordance with the provisions of this Order in every
street, and part of a street, specified in that behalf in the Second
Schedule, the amount of the deposit to be retained by the local authority
as provided in this sub-section, shall be reduced to five hundred pounds,
20 which sum shall remain as security in accordance with the provisions of
this section, in place of the said sum of one thousand pounds, so long as
this Order remains in force in favour of the Undertakers to whom it is
hereby granted, and the Undertakers shall be entitled to and shall be
paid the interest which shall be allowed thereon by the said bankers on
the said deposits for the time being.

(i.) The givers of the notice, not being the local authority, may, if they
think fit, require the Undertakers to give them such security for the
repayment to them of any expenses incurred or to be incurred by them
under this section as may be determined in manner provided by this
25 Order. If the Undertakers fail to give any such security within seven
days after being required to do so, or in case of difference after such
difference has been determined by a court of summary jurisdiction,
they shall not be entitled to serve any further requisition upon such
givers of the notice requiring them to exercise or discharge any powers
30 or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of
the Undertakers to exercise or discharge any powers or duties conferred or
imposed upon them by this Order or the principal Act in relation to the
execution of any works beyond the actual breaking up, filling in, reinstating,
35 or making good any such street or part of a street, or any such bridges,
sewers, drains, tunnels, or other works, or railway, or tramway as in this
section mentioned.

16. The Undertakers may alter the position of any pipes (not forming part
of any sewer of the local authority), or any wires being under any street
40 or place authorised to be broken up by them which may interfere with the
exercise of their powers under the principal Act or this Order; and any
body or person may in like manner alter the position of any electric lines
or works of the Undertakers, being under any such street or place as
aforesaid, which may interfere with the lawful exercise of any powers
45 vested in such body or person in relation to such street or place, subject

As to altera-
tion of pipes,
wires, &c.,
under streets.

A.D. 1891. to the following provisions, unless otherwise agreed between the parties interested :—

Leeds.

- (a.) One month before commencing any such alterations the Undertakers, or such body or person (as the case may be), in this section referred to as the "operators," shall serve a notice upon the body or person for the 5 time being entitled to such pipes, wires, electric lines, or works (as the case may be), in this section referred to as "the owners," describing the proposed alterations, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further 10 information in relation thereto as they may desire.
- (b.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works, or to compensation in respect thereof, or any other question arising upon 15 such notice or plan as aforesaid shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.
- (c.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in 20 respect of such pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works, so as to avoid interference with any purpose for which such pipes, wires, electric lines, or works are used so far as may be possible.
- (d.) Where no such requisition as in this section mentioned is served upon 25 the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or 30 secure, may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before 35 mentioned, or as may be agreed upon between the parties.
- (e.) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and, where any such statement has been served upon the operators, they 40 shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such notification as herein-after provided.
- (f.) Where any such statement as last aforesaid has been served upon the 45 operators, they shall, not more than forty-eight hours and not less than

twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.

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Leeds.

- 5 (g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable.
- 10 (h.) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.
- 15 (i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators, and may be recovered summarily.
- (j.) Any owners may, if they think fit, by any statement served by them under this section upon any operators not being a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order, and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.
- 20 (k.) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.
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17. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the local authority, or any main, pipe, syphon, electric line, or other work belonging to any gas, electric supply, or water company, has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any

Laying of electric lines, &c., near sewers, &c., or gas or water pipes, or other electric lines.

A.D. 1891. lines or works of the Undertakers have been lawfully placed, the Undertakers
Leeds. or such gas or water company (as the case may be), in this section referred
to as the "operators," shall, unless otherwise agreed between the parties
interested, or in case of sudden emergency, give to the local authority, or to
such gas, electric supply, or water company, or to the Undertakers (as the case 5
may be), in this section referred to as the "owners," not less than three days'
notice before commencing to dig or sink such trench as aforesaid, and such
owners shall be entitled by their officer to superintend the work, and the
operators shall conform with such reasonable requirements as may be made
by the owners or such officer for protecting from injury every such sewer, 10
drain, watercourse, defence, pipe, syphon, electric line, or work, and for securing
access thereto, and they shall also, if required to do so by the owners thereof,
repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position
of any pipe, electric line, or work, they shall temporarily support the same in 15
position during the execution of their works, and before completion provide a
suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line, crossing
or liable to touch any mains, pipes, lines, or services belonging to any gas,
electric supply, or water company, the conducting portion of such electric 20
line shall be effectively insulated in a manner approved by the Board of
Trade; and the Undertakers shall not, except with the consent of the gas, elec-
tric supply, or water company, as the case may be, and of the Board of Trade,
lay their electric lines so as to come into contact with any such mains, pipes,
lines, or services, or, except with the like consent, employ any such mains, 25
pipes, lines, or services as conductors for the purposes of their supply of
energy.

Any question or difference which may arise under this section shall be
determined by arbitration.

If the operators make default in complying with any of the requirements 30
or restrictions of this section, they shall make full compensation to all owners
affected thereby for any loss, damage, penalty, or costs which they may incur
by reason thereof, and in addition thereto they shall be liable to a penalty
not exceeding ten pounds for every such default, and to a daily penalty not
exceeding five pounds: Provided that the operators shall not be subject to 35
any such penalty if the court having cognizance of the case shall be of opinion
that the case was one of emergency, and that the operators complied with the
requirements and restrictions of this section so far as was reasonable under
the circumstances, or that the default in question was due to the fact that the
operators were ignorant of the position of the sewer, drain, watercourse, 40
defence, pipe, electric line, or work affected thereby, and that such ignorance
was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean
any body or person lawfully supplying gas; the expression "water company"
shall mean any body or person lawfully supplying water or water power; and 45

the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this Order.

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18. In the exercise of any of the powers of this Order relating to the execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works, or conveniences belonging to any railway or canal company, nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection
of railway and
canal com-
panies.

19.—(1.) The Undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions, and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down, or placed their electric lines or other works, or worked their undertaking in contravention of this sub-section, and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby, such question shall be determined by arbitration; and the arbitrator (unless he is of opinion that such wire or line, not having been so in existence at such time as aforesaid, has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in, or additions to, their system so as to comply with the provisions of this section, and the Undertakers shall make such alterations or additions accordingly.

For protection
of telegraphic
and telephonic
wires.

(2.) Seven days before commencing to lay down or place any electric line, or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line notice in writing specifying the course, nature, and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used; and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing, or user of such electric line, for the purpose of preventing such injurious affection; and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

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If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line, and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and, in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

4. Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

Mains, &c., to be laid down in streets specified in Second Schedule, and in remainder of area of supply.

20.—(1.) The Undertakers shall, within a period of two years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule, and shall thereafter maintain the same.

(2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them, or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority or person by whom such street

is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act, 1882, for the written consent of the Board, authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

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21. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer, and not for the purposes of general supply, the Undertakers shall serve upon the local authority, and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the Undertakers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require, in accordance with the provisions of this Order, that a supply shall be given to their premises, the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

As to laying of electric line under special agreement.

22. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may, after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, or, if the Undertakers so desire, may, after having given an opportunity to the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose, and any conditions so imposed shall be binding on and observed by the Undertakers, and shall be of the like force and effect in every respect as though they were contained in this Order.

If Undertakers fail to lay down mains, &c., Order may be revoked.

23. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by one or more owners or occupiers of premises along such street or part of a street, or, where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority.

Manner in which requisition is to be made.

Every such requisition shall be signed by the person or persons making the same, or by the local authority (as the case may be), and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office, and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same, and any requisition so supplied shall be deemed valid in point of form.

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*Leeds.*Provisions on
requisition by
owners or
occupiers.

24. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom the requisition is signed, stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years, of such amount in the aggregate (to be specified by the Undertakers in such notice) as will, at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply, produce annually such reasonable sum as shall be specified by the Undertakers in such notice : Provided that in such notice the Undertakers shall not, without the authority of the Board of Trade, specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons or some of them, binding them to take, or guaranteeing that there shall be taken, for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, who, after such inquiry, if any, as they shall think fit, may, by order, either determine that the requisition is unreasonable, and shall not be binding upon the Undertakers, or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years, and to specify such sum or per-centage whether calculated as herein-before provided or otherwise, as shall be fixed or directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly. In the case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall, subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid, be determined by arbitration.

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- 5 25. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected, or within fourteen days thereafter, there be tendered to the Undertakers (if required by them) an agreement executed by the local authority and binding them to take for a period of three years at the least a supply of
10 energy for lighting such public lamps in the street or part of a street in respect of which the requisition is made as may be under their management or control.

Provisions on requisition by local authority.

Supply.

- 15 26. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this
20 Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this
25 Order, subject to the conditions following (that is to say)—

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

- The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet
30 from any distributing main of the Undertakers, although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—

- 35 Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

- 40 Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to

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ordinary consumers within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security 5 for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

Provided always, that the Undertakers may, after they have given a 10 supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given 15 has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

Provided also, that if the owner or occupier of any such premises as afore- 20 said uses any form of lamp or burner, or uses the energy supplied to him by the Undertakers for any purposes, or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises so long as such user 25 continues.

Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers 30 or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined by arbitration.

Maximum
power.

27. The maximum power with which any such consumer shall be entitled 35 to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one 40 month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt. 45

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises, or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

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- 5 28. The Undertakers, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations and
10 conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Supply of
energy to
public lamps.

29. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to
15 supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Penalty for
failure to
supply.

- Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this
20 Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp, and for each day on which any such default occurs.

- Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they
25 are authorised to supply energy under this Order, they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

- Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in
30 respect of any defaults, not being wilful defaults, on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not
35 materially to affect the value of the supply.

Price.

30. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

Methods of
charging.

- 40 (1.) By the actual amount of energy so supplied; or
(2.) By the electrical quantity contained in such supply; or
(3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that, where the Undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method may by

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one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him, or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the local authority by what method they propose to charge for energy supplied through such main; and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement; and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

Maximum
prices.

31. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or, in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade shall, on approving such method, determine.

Provided that if the local authority or the Undertakers shall, at any time after the expiration of five years after the commencement of this Order, make a representation to the Board of Trade that the prices or methods of charge stated in this Order or approved by the Board of Trade, ought to be altered, the Board of Trade, after such inquiry as they may think fit, may make an order varying such prices or methods of charge, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order, as if they had been stated in this Order: Provided also, that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of five years after the same were last altered.

Other charges
by agreement.

32. Subject to the provisions of this Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned, the Undertakers may make any agreement with a consumer as to the price to be charged for energy, and the mode in which such charges are to be ascertained, and may charge accordingly.

Price to public
lamps.

33. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained, shall be settled by agreement between the local authority and the Undertakers, and in case of difference by arbitration, regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district.

Electric Inspectors.

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Leeds.
Appointment
of electric
inspectors.

34. The local authority, so long as they are not themselves the Undertakers for the purposes of this Order, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

If no electric inspector is appointed by the local authority, or if the inspection of electric lines and works is imperfectly attended to by the local authority, or if the local authority themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any consumer, or of the Undertakers, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

- (a.) The inspection and testing, periodically and in special cases, of the Undertakers electric lines and works and the supply of energy given by them;
- (b.) The certifying and examination of meters; and
- (c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The local authority, with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and such fees shall be accounted for and applied as may be directed by the local authority or the Board of Trade, as the case may be.

35. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine, and such remuneration may be in addition to, or in substitution for, any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act, according as the local authority shall determine.

Remuneration
of electric
inspectors.

36. The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connexion with the Undertakers works, or as to the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with by the Undertakers; and any person appointed under this section, not being an electric inspector, shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

Inquiry by
Board of Trade.

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Testing and Inspection.

Leeds.
Testing of
mains.

37. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy 5 by the Undertakers, and in such manner as the inspector may think expedient, but, except under the provisions of a special order in that behalf made by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than 10 those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid: Provided also that such testings shall not be made in regard to any particular 15 portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of
works and
supply on
consumer's
premises.

38. An electric inspector, if and when required to do so by any consumer, shall, on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers upon 20 the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Undertakers to
establish
testing stations.

39. The Undertakers shall at such places, within a reasonable distance 25 from a distributing main, establish at their own cost and keep in proper condition such reasonable number of testing stations as the local authority, or, where the local authority are the Undertakers, as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments 30 of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the 35 main at which they are established is reasonable or excessive, or as to any excessive or improper use of energy for such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

Undertakers
to keep instru-
ments on their
premises.

40. The Undertakers shall set up and keep upon all premises from which 40 they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any 45 observations so recorded shall be receivable in evidence.

41. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such
 5 instruments, at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence.
42. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of
 10 the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.
43. The Undertakers may, if they think fit, on each occasion of the testing
 15 of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection.
44. The Undertakers shall afford all facilities for the proper execution of
 20 this Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily
 25 penalty not exceeding one pound.
45. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing, and to the Undertakers, and
 30 such report shall be receivable in evidence.
- If the Undertakers, or any such authority or person are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal, and their decision
 35 shall be final and binding on all parties.
46. Save as otherwise provided by this Order, or by any regulations under this Order, all fees and reasonable expenses of an electric inspector shall, unless agreed, be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade, and shall be paid by
 40 the Undertakers.
- Provided that, where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, such fees and expenses shall, on being ascertained as above mentioned, be paid by such consumer or consumers as the court or Board,

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Leeds.
 Readings of instruments to be taken.

Electric inspector may test Undertakers instruments.

Representation of Undertakers at testings.

Undertakers to give facilities for testing.

Report of results of testing.

Expenses of electric inspector.

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Lecds.

Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

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Meters.

Meters to be used except by agreement.

47. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply," shall, except as otherwise 10 agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meter to be certified.

48. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter, and to be of some construction and pattern and to have 15 been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade; and every such meter is in this Order referred to as a "certified meter": Provided that where any alteration is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines, such meter shall cease to be a certified meter 20 unless and until it be again certified as a certified meter under the provisions of this Order.

Inspector to certify meters.

49. Every electric inspector, on being required to do so by the Undertakers or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value of 25 the supply, and shall certify the same as a certified meter if he considers it entitled to be so certified.

Undertakers to supply meters if required to do so.

50. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, 30 and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable hours, and execute all necessary works and do all necessary 35 acts: Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or, if he desires to hire such meter, may require him to enter into an agreement for the hire of such meter as herein-after provided. 40

Meters not to be connected or disconnected without notice.

51. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter

from any such electric line, unless he has given to the Undertakers not less than forty-eight hours notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

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- 5 52. Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is to be ascertained, in proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

Consumer to
keep his meter
in proper order.

- 10 The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

- 20 53. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings, as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Power to the
Undertakers
to let meter.

- 25 54. The Undertakers shall, unless the agreement of hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Undertakers to
keep meters let
for hire in
repair.

- 35 55. If any difference arises between any consumer and the Undertakers as to whether any meter, whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined upon the application of either party by an electric inspector, or where the local authority are the consumers, by an inspector to be appointed by the Board of Trade, who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid, the register of the meter shall be conclusive evidence, in the absence of fraud, of the value of the supply.

Differences as
to correctness
of meter to be
settled by
inspector.

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Undertakers to
pay expenses
of providing
new meters
where method
of charge
altered.

56. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the Undertakers change the method of charging for energy supplied by them from such main, the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt. 5

Undertakers
may place
meters to
measure supply
or to check
measurement
thereof.

57. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum power taken by such consumer, or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern, and shall be fixed and connected with the service lines in some manner approved by the Board of Trade, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals. 10 15 20

Maps.

Map of area of
supply to be
made and
deposited.

58. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply, and shall cause to be marked thereon the line, and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also if so required by the Board of Trade or the Postmaster-General, cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe. 25 30

Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the Undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof taken by such applicant, as they may prescribe. 35 40

The Undertakers shall, if so required by the Board of Trade or the Postmaster-General, supply to them or him, a copy of any such map or section, and cause such copy to be duly corrected so as to agree with the original

or originals thereof as kept for the time being at the office of the Undertakers. A.D. 1891.

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If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections, they shall for every such offence
5 be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

Purchase of Undertaking.

59.—(1.) The local authority may at any time before the expiration of forty-two years after the commencement of this Order give notice in writing
10 to the Undertakers requiring them to sell their undertaking to the local authority, and thereupon the Undertakers shall sell the same to the local authority upon the terms of issuing or transferring to the Undertakers such an amount of Leeds Corporation Stock as will produce by the interest or dividends thereon an annuity of five per cent. per annum upon the sum
15 properly expended by the Undertakers upon the undertaking, and chargeable to capital account, provided that if the local authority shall exercise the power conferred by this sub-section before the expiration of ten years from the commencement of this Order the local authority shall, in addition to the said stock, pay to the Undertakers a sum equal to the aggregate amount of a
20 dividend of five per cent. per annum on the said capital expenditure, less the aggregate amount of the dividends declared by the Undertakers from the date or dates of such expenditure to the date of the purchase.

Purchase of
undertaking.

(2.) The local authority may at any time after the expiration of twenty-one years from the commencement of this Order, and before the expiration of
25 thirty-one years after such commencement (but without prejudice to the option given to them by sub-section (1) of this section) give notice in writing to the Undertakers requiring them to sell their undertaking to the local authority, and thereupon the Undertakers shall sell the same to the local authority upon the terms of paying the then value thereof, in accordance
30 with section 2 of the Electric Lighting Act, 1888, together with such additional sum as may be agreed or determined by arbitration to be the value of the goodwill of the undertaking.

(3.) The local authority may within six months after the period of thirty-one years from the commencement of this Order and within six months after
35 the expiration of every subsequent period of seven years (but without prejudice to the option given to them by sub-section (1) of this section) give to the Undertakers notice in writing requiring the Undertakers to sell to the local authority their undertaking, in accordance with section 2 of the Electric Lighting Act, 1888, and at the expiration of such notice the Under-
40 takers shall sell the undertaking accordingly, and the provisions of that section shall apply as if the period of forty-two years therein mentioned had expired, and as if the subsequent period of purchase were altered to seven years instead of ten.

A.D. 1891.

Special Provisions in case of Transfer.

Leeds.
Application
of moneys
received by the
local authority
as Undertakers.

60. If the local authority become the Undertakers for the purposes of this Order, the following provisions shall have effect:--

- (A.) All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money, (b) money arising from the disposal of lands 5 acquired for the purposes of this Order, and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order, shall be applied by them as follows:—
- (1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, 10 penalties, and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers, their officers or servants in relation to the undertaking.
 - (2.) In payment of the interest or dividend on any mortgages, stock, or other securities granted and issued by the Undertakers in respect 15 of money borrowed for electricity purposes.
 - (3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.
 - (4.) In payment of all other their expenses of executing this Order, not being expenses properly chargeable to capital. 20
 - (5.) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, and the resulting income thereof in Government securities, or in any other securities in which trustees are by law 25 for the time being authorised to invest, other than stock or securities of the Undertakers, and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking, or to meet any 30 extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens. 35

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund, when amounting to the prescribed limit, to the credit of the local rate as defined by the principal Act, or at their option shall apply such surplus, or any part thereof, to the improvement of the district for which they are the local authority, or in reduction of 40 the capital moneys borrowed for electricity purposes.

Provided always, that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking, the Undertakers shall make such a rateable reduction in the charge 45 for the supply of energy as in their judgment will reduce the surplus to the

said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority. A.D. 1891.
Leeds.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

(1.) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

61. If the local authority become the Undertakers for the purposes of this Order the following provision shall have effect:— Purchase and
use of lands.

Subject to the provisions of this Order and the principal Act, the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres, except with the consent of the Board of Trade.

Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more houses which, after the commencement of this Order, have been, or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

62. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act" shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers. Incorporation
of sections
264 and 265
of Public
Health Act,
1875.

A.D. 1891.

Notices, &c.

Leeds.
Notices, &c.,
may be printed
or written.

63. Notices, orders, and other documents under this Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the local authority, the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication. 5

Service of
notices, &c.

64. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively :— 10

- (a.) In the case of the Board of Trade, the office of the Board of Trade ;
- (b.) In the case of the Postmaster-General, the General Post Office ;
- (c.) In the case of any county council, the office of such council ;
- (d.) In the case of any local authority, the office of such local authority ; 15
- (e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company ;
- (f.) In the case of a company having an office or offices, but no registered office, the principal office of that company ; 20
- (g.) In the case of any other person, the usual or last known place of abode of such person.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description. 25

A notice, order, or document by this order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises. 30

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days, the following days shall not be reckoned in the computation of such time, that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving. 35 40

Revocation of Order.

Revocation of
Order where
Undertakers
are insolvent.

65. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers are insolvent, or if the Undertakers are wound up, the Board of Trade may, after such inquiry as

they may think necessary, and after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, as to any part of the area of supply. A.D. 1891.
Leeds.

5 66. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers
10 and of the local authority) as to any part of the area of supply. Revocation of
Order where
undertaking
cannot be
carried on with
profit.

67. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just. Revocation of
Order with
consent.

15 68. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect:— Provisions
where Order
revoked.

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority and shall in such notice fix a
20 date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine, but the revocation shall not affect anything done or suffered before such date, or any right or liability of
25 the Undertakers, or any other body or person arising out of anything so done or suffered as aforesaid.

(b.) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the
30 Undertakers shall sell to them the undertaking or such part thereof as aforesaid upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid, such value being agreed or estimated in manner directed by
35 the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act.

(c.) Where any purchase is so effected, the undertaking, or part thereof so purchased, shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the Undertakers or attaching to the
40 undertaking; and the revocation of this Order, as to the whole of the area of supply, or such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obligations of the Undertakers from whom the undertaking, or such part thereof as aforesaid, is purchased in relation to the supply of energy within such

A.D. 1891.

Leeds.

- area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority.
- (d.) Where no purchase has been effected under the preceding provisions of this section the Undertakers may forthwith remove all such electric lines laid under any street as can be removed without breaking up or interfering with the surface of the street, and all electric lines, materials, and works of the Undertakers constructed or laid under any street, which are not removed by them within six months after the revocation of this Order, or such further time as the Board of Trade may allow, shall absolutely vest in the local authority or other body or person (as the case may be) by whom the street is repairable. 5 10
- (e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers by this Order granted to the Undertakers, or for any expenses to which such local authority, body, or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid, shall be determined by an arbitrator to be appointed by the Board of Trade, whose decision shall be final and binding on all parties. 15 20 25

*General.*Remedying
of system
and works.

69. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth or have placed any electric line above ground in contravention of this Order; or (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; or (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues. 30 35 40 45

A.D. 1891.

Leeds.

The Board of Trade may also, if they think fit, by the same or any other order, made upon any such representations as aforesaid, forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden, they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

70. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking and for the time being in force, shall within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and a true copy thereof, certified by or on behalf of the Undertakers, shall be served upon the local authority, and like copies shall be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding the same, at a price not exceeding sixpence for each copy.

Publication of regulations.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

71. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as, in default of agreement, may be determined, on the application of either party, by a court of summary jurisdiction, who may also order by which of the parties the cost of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Nature and amount of security.

72. All things required or authorised under this Order to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or assistant secretary of the Board.

Proceedings of Board of Trade.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such order, without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board, shall be conclusive evidence of the order or act so certified.

A.D. 1891.

*Leeds.*Approval or
consent of
Board of Trade.

73. Where this Order provides for any consent or approval of the Board of Trade, the Board may give such consent or approval subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit.

All costs and expenses of or incident to any approval, consent, certificate, 5
or order of the Board of Trade, including the cost of any tests for the
purpose of determining whether the same should be given or made, to such
an amount as the Board of Trade shall certify to be due, shall be borne and
paid by the applicant or applicants therefor: Provided always that where
any approval is given by the Board of Trade to any plan, pattern, or 10
specification, they may require such copies of the same as they may think
fit to be prepared and deposited at their office at the expense of the said
applicant or applicants, and may, from time to time, as they think fit, revoke
any approval so given, or permit such approval to be continued, subject to
such modifications as they may think necessary, 15

Notice of ap-
proval of Board
of Trade, &c.,
to be given by
advertisement.

74. Where the Board of Trade, upon the application of the Undertakers,
give any approval or grant any extension of any time limited for the per-
formance of any duties by the Undertakers, or where the Board of Trade,
upon the application of the local authority or the Undertakers, revoke this
Order as to the whole or any part of the area of supply, notice that such 20
approval has been given, or such extension of time granted, or such revocation
made, shall be published by public advertisement once at least in each of two
successive weeks in some one and the same local newspaper by the body by
whom such application was made as aforesaid.

Notice of ap-
plication for
extension of
time, &c., to
be given to
local authority.

75. Where any application is made to the Board of Trade to extend any 25
time limited for the performance of any duties by the Undertakers, notice of
such application shall be served on the local authority by the Undertakers, and
an opportunity shall be given to the local authority to make representations
or objections with reference thereto.

Recovery and
application
of penalties.

76. All penalties, fees, expenses, and other moneys recoverable under 30
this Order or under any regulations made under this Order or the principal
Act, the recovery of which is not otherwise specially provided for, may
be recovered summarily, in manner provided by the Summary Jurisdiction
Acts.

Any penalty recovered on prosecution by an officer of the local authority 35
shall, if there is an electric inspector for the time being appointed by the
local authority, be paid to such officer, and by him to the local authority, and
shall be applied in aid of the local rate.

Any penalty recovered on prosecution by any other body or person or any
part thereof may, if the Court shall so direct, be paid to such body or person. 40

Undertakers
to be respon-
sible for all
damages.

77. The Undertakers shall be answerable for all accidents, damages, and
injuries happening through the act or default of the Undertakers or of any
person in their employment by reason of or in consequence of any of the
Undertakers' works, and shall save harmless all authorities, bodies, and

persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

A.D. 1891.

Leeds.

78. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase-money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking, or such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

As to mortgages.

79. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving clause for Postmaster-General.

80. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them.

Undertakers not exempted from proceedings for nuisance.

81. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity, or to the supply of or price to be charged for energy, which may be passed after the commencement of this Order.

Provisions as to general Acts.

Temporary Provision.

82. Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except so far as the placing thereof above ground is permitted by this Order), they shall be removed by the Undertakers within a period of one year after such commencement.

Removal of overhead wires.

If the Undertakers fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as they may seem fit.

A.D. 1891.

Leeds.SCHEDULES.FIRST SCHEDULE.*Area of Supply.*

The whole of municipal borough of Leeds as constituted at the commencement of this Order.

5

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order.

So much of the following streets or parts of streets as lies within the area of supply :—

Briggate.	St. Paul's Street (from King	
New Briggate.	Street to Queen Street).	
Kirkgate (from Briggate to Vicar	Park Lane.	
Lane).	East Parade.	15
Boar Lane.	Bond Street.	
Wellington Street (from Boar	Commercial Street.	
Lane to the Central Railway	Park Row.	
Station).	Cookridge Street.	
Infirmery Street.	Albion Street.	20
King Street.	Land's Lane.	
York Place.	Upperhead Row.	
Park Square.	Woodhouse Lane.	
	Headingley Lane.	

THIRD SCHEDULE.

25

List of streets not repairable by the local authority, railways and tramways, which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

- (a.) Streets :—None.
- (b.) Railways :—None. 30
- (c.) Tramways :—
- The Leeds Tramways.
- The Leeds Corporation Tramways.

FOURTH SCHEDULE.

A.D. 1891.

Leeds.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

5

SECTION 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter :—For any amount up to twenty units, thirteen shillings and fourpence ; and for each unit over twenty units, eightpence.

10

SECTION 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical
15 quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

A.D. 1891.

NEWCASTLE-UPON-TYNE ELECTRIC LIGHTING.

Newcastle-upon-Tyne.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Newcastle and District Electric Lighting Company, Limited, in respect of the City of Newcastle-upon-Tyne.

5

Preliminary.

Short title.

1. This Order may be cited as the Newcastle-upon-Tyne Electric Lighting Order, 1891.

Interpretation.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act"; and the several words, terms, and expressions to which by the principal Act meanings are assigned, shall have in this Order the same respective meanings, provided that in this Order—

15

The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882 :

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied :

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply :

25

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers :

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply :

30

The expression "general supply" shall mean the general supply of energy to ordinary consumers, and, unless otherwise specially agreed with the local authority, to the public lamps, but shall not include the supply of energy to any one or more particular consumers under special agreement :

35

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order :

40

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers :

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines:

A.D. 1891.

Newcastle-upon-Tyne.

5 The expression "telegraphic line," when used with respect to any telegraphic line of the Postmaster-General, shall have the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected:

10 The expression "railway" shall include any tramroad, that is to say, any tramway other than a tramway as herein-after defined:

The expression "tramway" shall mean any tramway laid along any street:

15 The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof:

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule" shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively:

20 The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade:

25 The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 42 feet, and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to 5 feet, with such detail plan and sections as may be necessary.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Commencement of Order.

30 *Address and Description of the Undertakers.*

4. The Undertakers for the purposes of this Order are the Newcastle and District Electric Lighting Company, Limited, being a company registered under the Companies Acts, 1862 to 1886, with limited liability, and having its registered offices at 38, Grainger Street West, in the city of Newcastle-upon-Tyne.

Address and description of Undertakers.

35 Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with provisions of this Order, or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

40 The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license, provisional order, or special Act unless the Undertakers are authorised by Parliament to do so.

A.D. 1891. If in contravention of this section the Undertakers purchase or acquire any such undertaking or associate themselves with such other company or person the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think just.

—
Newcastle-upon-Tyne.

Area of Supply.

5

Area of supply. 5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red.

Prohibition of supply beyond area of supply. 6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply, otherwise than under the authority of Parliament, or under a license granted by the Board of Trade under the principal Act. 10

If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section, the Board of Trade may revoke this Order on such terms as they may think just. 15

Security and Accounts.

Security for execution of works.

7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply. 20

The Undertakers shall also, within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of one thousand pounds. 25

If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned, or fail to deposit or secure such sum as aforesaid, the Board of Trade may, after considering any representations which the local authority may make, revoke this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply, upon such terms as they may think just. 30 35

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector, to be appointed by the Board of Trade, that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, 40

or part of a street, specified in that behalf in the Second Schedule, or at such earlier dates and by such instalments as may be approved by the Board of Trade.

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8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

Separate
accounts to
be kept of
undertaking.

9. The annual statement of accounts of the undertaking, before being published as provided by section nine of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the Board of Trade shall appoint, and the remuneration of the auditor shall be such as the Board of Trade shall direct, and the same and all expenses incurred by him in or about the execution of his duties, to such an amount as the Board of Trade shall approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt.

Audit of
Undertakers
accounts.

The Undertakers shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit, and shall when required furnish to him and them all vouchers and information requisite for such purpose, and shall afford to him and them all facilities for the proper execution of his and their duty.

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted, or otherwise for the purpose of giving effect to the provisions of this section.

Any report made by the auditor, or such portion thereof as the Board of Trade shall direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section nine.

30 *Nature and Mode of Supply.*

10. Subject to the provisions of this Order and the principal Act, the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act, provided as follows:—

Systems and
mode of supply.

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade, and subject to such regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

(2.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval.

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Prohibition
of overhead
wires.

11. The Undertakers shall not, without the express consent of the local authority and of the Board of Trade, place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply. 5

Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except as above in this section mentioned) they shall be removed by the Undertakers within a period of one year after such commencement.

If the Undertakers place, or fail to remove, any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit. 10 15

Works.

Powers for
execution
of works.

12. Subject to the provisions of this Order and the principal Act, the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets, not repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule, so far as such streets, railways, and tramways may for the time being be included in the area of supply, and be, or be upon, land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level. 20 25

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway, except such streets, railways, or tramways (if any), or such parts thereof, as are specified in the said schedule, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, or of the Board of Trade under section thirteen of the Electric Lighting Act, 1882, and where the Board of Trade give such consent, the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates as if it had been specified in the said schedule. 30 35

Street boxes.

13. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of such boxes: Provided that no part of such box or apparatus shall be placed above ground, except with the consent of the local authority, and of the body or person by whom such street is repairable. 40

Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Board of Trade may otherwise

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order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing, or controlling the supply of energy, or for examining or testing the condition of the mains or other portions of the
5 works, or for other like purposes connected with the undertaking; and the Undertakers may place therein meters, switches, and any other suitable and proper apparatus for any of the above purposes.

Every such box, including the upper surface or covering thereof, shall be constructed of such materials, and shall be constructed and maintained by
10 the Undertakers in such manner, as not to be a source of danger whether by reason of inequality of surface or otherwise.

The local authority may with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such boxes, and if the Undertakers, during any hours not so prescribed, remove or
15 displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority, they shall be liable to a penalty not exceeding five pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having
20 cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

14. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will
25 involve the placing of any works in, under, along, or across any street or public bridge, or will cause any interference with any sewer of the local authority, the following provisions shall have effect:—

Notice of
works, with
plan, to be
served on the
Postmaster-
General and
local authority.

(a.) One month before commencing the execution of such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a
30 notice upon the Postmaster-General and the local authority describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed, and the manner in which it is intended that such street or bridge, or any sewer,
35 drain, or tunnel therein or thereunder, is to be interfered with, and shall, upon being required to do so by the Postmaster-General or the local authority give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.

40 (b.) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers.

45 (c.) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which

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the Undertakers are dissatisfied or disapprove of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter, and allow or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same. 5

(d.) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them, he or they shall be deemed to have approved such works and plan.

(e.) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General and the local authority, or by the Board of Trade, as above mentioned; but where any such works, description, and plan are so approved or to be deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and the principal Act. 10 15

(f.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances. 20 25 30

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers works or their supply of energy. 35

As to streets
not repairable
by local authority,
railways,
tramways, and
canals.

15. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street or part of a street not repairable by the local authority or over or under any railway, tramway, or canal, the following provisions shall have effect, unless otherwise agreed between the parties interested:— 40

(a.) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person 45

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5 liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the "owners," describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

10 (b.) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given to the provisions thereof.

15 (c.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.

20 (d.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway, or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible.

25 (e.) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

30 (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works.

35 (g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing; or with any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to the owners not less than 24 hours notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers

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shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

- (h.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Street authority, &c., may give notice of desire to break up streets, &c., on behalf of Undertakers.

16. Any body or person for the time being liable to repair any street or part of a street or tramway, or entitled to work any railway which the Undertakers may be empowered to break up for the purposes of this Order, may, if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, tramways, railways, drains, tunnels, or other works vested in or repairable by or under the control or management of such body or person, and may amend or revoke any such notice by another notice similarly served. Where such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested:—

- (a.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency.
- (b.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.

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- (c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.
- (d.) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.
- (e.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice; but in such case the Undertakers shall, within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice.
- (f.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.
- (g.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers, and may be recovered summarily.
- (h.) The givers of the notice may, if they think fit, require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up, filling in, reinstating,

A.D. 1891. or making good any such street or part of a street, or any such bridges, sewers, drains, tunnels, or other works, or railway or tramway as in this section mentioned.

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As to alteration of pipes, wires, &c., under streets.

17. The Undertakers may alter the position of any pipes (not forming part of any sewer of the local authority), or any wires being under any street or place authorised to be broken up by them, which may interfere with the exercise of their powers under the principal Act or this Order; and any body or person may in like manner alter the position of any electric lines or works of the Undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested:—

(a.) One month before commencing any such alterations the Undertakers, or such body or person (as the case may be), in this section referred to as “the operators,” shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the case may be), in this section referred to as “the owners,” describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

(b.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.

(c.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works, so as to avoid interference with any purpose for which such pipes, wires, electric lines, or works are used so far as may be possible.

(d.) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in such case, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or secure, may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

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- (e.) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such notification as herein-after provided.
- (f.) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.
- (g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable.
- (h.) If the owners decline, or for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.
- (i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators, and may be recovered summarily.
- (j.) Any owners may, if they think fit, by any statement served by them under this section upon any operators, not being a local authority, require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.
- (k.) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

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Laying of
electric lines,
&c., near
sewers, &c.,
or gas or water
pipes, or other
electric lines.

18. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the local authority, or any main, pipe, syphon, electric line, or other work belonging to any gas, electric supply, or water company has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or such gas or water company (as the case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the local authority, or to such gas, electric supply, or water company, or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than three days notice before commencing to dig or sink such trench as aforesaid, and such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required so to do by the owners thereof, repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe, electric line, or work, they shall temporarily support the same in position during the execution of their works, and before completion provide a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains, pipes, lines, or services belonging to any gas, electric supply, or water company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade; and the Undertakers shall not, except with the consent of the gas, electric supply, or water company, as the case may be, and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, lines, or services, or, except with the like consent, employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof; and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions of this section so

far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence, pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

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For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas; the expression "water company" shall mean any body or person lawfully supplying water or water power; and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this Order.

19. In the exercise of any of the powers of this Order relating to the execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works, or conveniences belonging to any railway or canal company, nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection
of railway and
canal com-
panies.

20.—(1.) The Undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions, and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down, or placed their electric lines or other works, or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby, such question shall be determined by arbitration; and the arbitrator (unless he is of opinion that such wire or line, not having been so in existence at such time as aforesaid, has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in, or additions to, their system so as to comply with the provisions of this section, and the Undertakers shall make such alterations or additions accordingly.

For protection
of telegraphic
and telephonic
wires.

(2.) Seven days before commencing to lay down or place any electric line, or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line notice in writing, specifying the course, nature, and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used; and any owner entitled to receive such notice may from time to time serve a requisition on the

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Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing, or user of such electric line, for the purpose of preventing such injurious affection; and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire 5 or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals 10 of any electric line so long as the course, nature, and gauge of such electric line, and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section, they shall make full compensation to every such 15 owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of 20 opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the 25 Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

30

Mains, &c., to
be laid down in
streets specified
in Second
Schedule, and
in remainder
of area of
supply.

21.—(1.) The Undertakers shall, within a period of two years after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule, and shall thereafter 35 maintain the same.

(2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this 40 Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has

become binding upon them, or such further time as may in any case be approved of by the Board of Trade.

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(3.) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority or person by whom such street is repairable, consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act, 1882, for the written consent of the Board authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

22. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer, and not for the purposes of general supply, the Undertakers shall serve upon the local authority, and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the Undertakers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises, the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

As to laying of electric line under special agreement.

23. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may, after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, or, if the Undertakers so desire, may, after having given an opportunity to the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof, subject to such conditions as they may think fit to impose, and any conditions so imposed shall be binding on and observed by the Undertakers, and shall be of the like force and effect in every respect as though they were contained in this Order.

If Undertakers fail to lay down mains, &c., Order may be revoked.

24. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street, or where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority.

Manner in which requisition is to be made.

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Every such requisition shall be signed by the persons making the same, or by the local authority (as the case may be), and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office, and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same, and any requisition so supplied shall be deemed valid in point of form.

Provisions on
requisition by
owners or
occupiers.

25. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom the requisition is signed, stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years, of such amount in the aggregate (to be specified by the Undertakers in such notice) as will, at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply, produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons or some of them, binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, who, after such inquiry, if any, as they shall think fit, may, by order, either determine that the requisition is unreasonable, and shall not be binding upon the Undertakers, or may authorise the Undertakers by their notice, to require a supply of energy to be taken

for such longer period than three years, and to specify such sum or percentage whether calculated as herein-before provided or otherwise, as shall be fixed or directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly.

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5 In case of any such appeal to the Board of Trade, any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

10 If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement, such difference shall, subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid, be determined by arbitration.

26. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected, or within twenty-eight days thereafter, there be tendered to the Undertakers (if required by them) an undertaking executed by the local authority, and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Provisions on requisition by local authority.

20 *Supply.*

27. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions, subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following; (that is to say,)

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

35 The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers, although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

40 Every owner or occupier of premises requiring a supply of energy shall—
Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

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Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within 5 the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which 10 may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier 15 of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become 20 invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

Provided also, that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner, or uses the energy supplied to 25 him by the Undertakers for any purposes, or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to such premises so long as such user continues. 30

Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers 35 or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or works, such difference shall be referred to an electric inspector, and in case either party shall be dissatisfied with his decision shall be determined by arbitration. 40

Maximum
power.

28. The maximum power with which any such consumer shall be 40 entitled to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount, he shall not be entitled to alter that 45 maximum except upon one month's notice to the Undertakers, and any

expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt.

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If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

29. The Undertakers, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, or to any number of such lamps when the distance from lamp to lamp does not exceed fifty yards and one of such lamps is within the distance of fifty yards from such distributing main shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Supply of
energy to
public lamps.

30. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Penalty for
failure to
supply.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp, and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

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Price.

Newcastle-
upon-Tyne.
Methods of
charging.

31. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

(1.) By the actual amount of energy so supplied; or,

(2.) By the electrical quantity contained in such supply; or

(3.) By such other method as may for the time being be approved by the Board of Trade.

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Provided that where the Undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him, or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

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Provided also that, before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the local authority by what method they propose to charge for energy supplied through such main, and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement; and, where the Undertakers have given any such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

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Maximum
prices.

32. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade shall on approving such method determine.

25

Provided that if the local authority or the Undertakers shall, at any time after the expiration of seven years after the commencement of this Order, make a representation to the Board of Trade that the prices or methods of charge stated in this Order or approved by the Board of Trade ought to be altered, the Board of Trade, after such inquiry as they may think fit, may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order, as if they had been stated in the said schedule: Provided also that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

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Other charges
by agreement.

33. Subject to the provisions of this Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned, the Undertakers may make any agreement with a consumer as to the price to be charged for energy, and the mode in which such charges are to be ascertained, and may charge accordingly.

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Price to public lamps.

34. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained, shall be settled by agreement between the local authority and the Undertakers, and, in case of difference, by arbitration, regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district, provided that the price to be charged for the supply of energy to the local authority shall not exceed fourpence per unit.

35. If in any year the clear profits of the undertaking shall amount to a larger sum than is sufficient to make a dividend of eight pounds per centum per annum upon the actual capital of the Undertakers for the time being expended upon the undertaking (herein-after referred to as the prescribed dividend), and also to make up the deficiency (if any) of any previous dividend or dividends, which after the commencement of this Order shall have fallen short of the prescribed dividend, then one half of the excess beyond the sum necessary for that purpose shall be applied in reducing the price to be charged for energy by the Undertakers in the next following year and so from time to time. And if any question shall arise as to the amount of the clear profits of the undertaking or on the accounts of the Undertakers, or whether the amount at any time written off by the Undertakers for depreciation is excessive, or whether the Undertakers have made such reduction in price as aforesaid, such question shall on the application of the local authority be referred to arbitration.

Dividend and reduction of price.

25 *Electric Inspectors.*

36. The local authority, so long as they are not themselves the Undertakers for the purposes of this Order, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

Appointment of electric inspectors.

If no electric inspector is appointed by the local authority, or if the inspection of electric lines and works is imperfectly attended to by the local authority, or if the local authority themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any consumer, or of the Undertakers, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

(a.) The inspection and testing, periodically and in special cases, of the Undertakers electric lines and works and the supply of energy given by them;

(b.) The certifying and examination of meters; and

(c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

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The local authority with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and such fees shall be accounted for and applied as may be directed by the local authority or 5 the Board of Trade, as the case may be.

Remuneration
of electric
inspectors.

37. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine, and such remuneration may be in addition to, or in substitution for, any fees directed to be paid to electric inspectors in respect of their 10 duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act, according as the local authority shall determine.

Inquiry by
Board of Trade.

38. The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person or persons to inquire and report as to 15 the cause of any accident affecting the safety of the public, which may have been occasioned by or in connexion with the Undertakers works, or as to the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with by the 20 Undertakers; and any person appointed under this section, not being an electric inspector, shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

*Testing and Inspection.*Testing of
mains.

39. On the occasion of the testing of any main of the Undertakers 25 reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but, except under the provisions of a special order in that behalf made by 30 the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such 35 inspector for the purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of
works and
supply on
consumer's
premises.

40. An electric inspector, if and when required to do so by any consumer, 40 shall, on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Undertakers

upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy. A.D. 1891.
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- 5 41. The Undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost and keep in proper condition such reasonable number of testing stations as the local authority, or, where the local authority are the Undertakers, as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing. Undertakers
to establish
testing stations.
- 10

If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any excessive or improper use of energy for such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

- 20 42. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence. Undertakers
to keep instru-
ments on their
premises.
- 25

43. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed and any readings so recorded shall be receivable in evidence. Readings of
instruments
to be taken.
- 30

44. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if the same are in order, and in case the same are not in order he may require the Undertakers forthwith to have the same put in order. Electric
inspector
may test
Undertakers
instruments.
- 35

45. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection. Representation
of Undertakers
at testings.
- 40

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Undertakers to
give facilities
for testing.

Report of
results of
testing.

Expenses of
electric
inspector.

Meters to be
used except
by agreement.

Meter to be
certified.

46. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound. 5

47. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence. 10

If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report, and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties. 15

48. Save as otherwise provided by this Order, or by any regulations under this Order, all fees and reasonable expenses of an electric inspector shall, unless agreed, be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade, and shall be paid by the Undertakers. 20

Provided that where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, such fees and expenses shall, on being ascertained as above mentioned, be paid by such consumer or consumers as the court or Board, having regard to such report or decision, shall direct, and may be recovered summarily as a civil debt. 25

Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct. 30

Meters.

49. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply" shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order. 35

50. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter, and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade; and every such meter is in this Order referred to as a "certified meter:" Provided that where any alteration 40

is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines, such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

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- 5 51. Every electric inspector, on being required to do so by the Undertakers or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value of the supply, and shall certify the same as a certified meter if he considers it entitled to be so certified. Inspector to certify meters.
- 10 52. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly Undertakers to supply meters if required to do so.
- 15 certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable hours and execute all necessary works and do all necessary acts; provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of
- 20 the price of such meter, or to give security therefor, or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.
53. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through Meters not to be connected or disconnected without notice.
- 25 which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line, unless he has given to the Undertakers not less than forty-eight hours notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.
- 30 54. Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is to be ascertained, in proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter. Consumer to keep his meter in proper order.
- The Undertakers shall have access to and be at liberty to take off, remove, Power to the Undertakers to let meter.
- 35 test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if
- 40 the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.
55. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money, and on such terms, with respect to the repair of such meter and fittings, and for

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securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers
 to keep meter
 let for hire in
 repair.

56. The Undertakers shall, unless the agreement of hire otherwise provides, 5
 at all times, at their own expense, keep all meters let for hire by them to any
 consumer, whereby the value of the supply is ascertained, in proper order for
 correctly registering such value, and in default of their so doing the consumer
 shall not be liable to pay rent for the same during such time as such default
 continues. The Undertakers shall, for the purposes aforesaid, have access to 10
 and be at liberty to remove, test, inspect, and replace any such meter at all
 reasonable times: Provided that the expenses of procuring any such meter
 to be again duly certified where such re-certifying is thereby rendered
 necessary shall be paid by the Undertakers.

Differences as
 to correctness
 of meter to be
 settled by
 inspector.

57. If any difference arises between any consumer and the Undertakers as 15
 to whether any meter, whereby the value of the supply is ascertained (whether
 belonging to such consumer or the Undertakers), is or is not in proper order
 for correctly registering such value, or as to whether such value has been
 correctly registered in any case by any meter, such difference shall be
 determined upon the application of either party by an electric inspector or, 20
 where the local authority are the consumers, by an inspector to be appointed
 by the Board of Trade, who shall also order by which of the parties the costs
 of and incidental to the proceedings before him shall be paid, and the decision
 of such inspector shall be final and binding on all parties. Subject as aforesaid,
 the register of the meter shall be conclusive evidence in the absence of fraud 25
 of the value of the supply.

Undertakers to
 pay expenses
 of providing
 new meters
 where method
 of charge
 altered.

58. Where any consumer who is supplied with energy by the Undertakers
 from any distributing main is provided with a certified meter for the purpose
 of ascertaining the value of the supply, and the Undertakers change the
 method of charging for energy supplied by them from such main, the 30
 Undertakers shall pay to such consumer the reasonable expenses to which
 he may be put in providing a new meter for the purpose of ascertaining the
 value of the supply according to such new method of charging, and such
 expenses may be recovered by the consumer from the Undertakers summarily
 as a civil debt. 35

Undertakers
 may place
 meters to
 measure supply
 or to check
 measurement
 thereof.

59. In addition to any meter which may be placed upon the premises of
 any consumer to ascertain the value of the supply, the Undertakers may
 place upon his premises such meter or other apparatus as they may desire
 for the purpose of ascertaining or regulating either the amount of energy
 supplied to such consumer, or the number of hours during which such supply 40
 is given, or the maximum power taken by such consumer, or any other
 quantity or time connected with the supply: Provided that such meter or
 apparatus shall be of some construction and pattern and shall be fixed and
 connected with the service lines in some manner approved by the Board of

Trade, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

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Maps.

- 5 60. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply, and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause such map to be duly corrected
10 so as to show the then existing lines. The Undertakers shall also, if so required by the Board of Trade or the Postmaster-General, or the local authority, cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade shall
15 prescribe.

Map of area of supply to be made and deposited.

Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the Undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and such
20 applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof, taken by such applicant, as they may prescribe.

25 The Undertakers shall, if so required by the Board of Trade or the Postmaster-General, or the Local Authority, supply to them or him a copy of any such map or section, and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

30 If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

Purchase by Local Authority.

- 35 61. In lieu of the period of forty-two years mentioned in section two of the Electric Lighting Act, 1888, there shall be substituted, for the purposes of this Order, a period of thirty-one years from the commencement of this Order.

Purchase by local authority.

Special Provisions in Case of Transfer.

- 40 62. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

(A.) All moneys received by the Undertakers in respect of the undertaking except (a) borrowed money, (b) money arising from the disposal of lands acquired for the purposes of this Order, and (c) money not of the nature

Application of moneys received by local authority as Undertakers.

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of rent received by them in respect of any transfer under the provision of this Order, shall be applied by them as follows :—

- (1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties, and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers, their officers, or servants in relation to the undertaking. 5
- (2.) In payment of the interest or dividend on any mortgages, stock, or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes. 10
- (3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.
- (4.) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital.
- (5.) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, and the resulting income thereof, in Government securities, or in any other securities in which trustees are by law for the time being authorised to invest, other than stock or securities of the Undertakers, and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking, or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit, and so from time to time as often as such reduction happens. 15 20 25

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund, when amounting to the prescribed limit, to the credit of the local rate as defined by the principal Act, or at their option shall apply such surplus, or any part thereof, to the improvement of the district for which they are the local authority, or in reduction of the capital moneys borrowed for electricity purposes. 30 35

Provided always, that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking, the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority. 40

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

- (B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the 45

nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

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- 5 (1.) In the reduction of the capital moneys borrowed by them for electricity purposes;
- (2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

63. If the local authority become the Undertakers for the purposes of this Order the following provision shall have effect:—

Purchase and use of lands.

Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

64. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act," shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers.

Incorporation of sections 264 and 265 of Public Health Act, 1875.

Notices, &c.

65. Notices, orders, and other documents under this Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the local authority, the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

Notices, &c., may be printed or written.

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Service of
notices, &c.

66. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:—

- (a.) In the case of the Board of Trade, the office of the Board of Trade; 5
- (b.) In the case of the Postmaster-General, the General Post Office;
- (c.) In the case of any county council, the office of such council;
- (d.) In the case of any local authority, the office of such local authority;
- (e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company; 10
- (f.) In the case of a company having an office or offices, but no registered office, the principal office of that company;
- (g.) In the case of any other person, the usual or last known place of abode of such person.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description. 15

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises. 20

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works, or the performance of any duty or act, is less than seven days, the following days shall not be reckoned in the computation of such time; that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving. 25 30

Revocation of Order.

Revocation of
Order where
Undertakers
are insolvent.

67. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade may after such inquiry as they may think necessary, and after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, as to any part of the area of supply. 35 40

68. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, if in their discretion they think fit, revoke this Order as to the whole or (with the consent of the Undertakers and of the local authority) as to any part of the area of supply.

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Revocation of Order where undertaking cannot be carried on with profit.

69. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just.

Revocation of Order with consent.

70. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect :—

Provision where Order revoked.

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine.

(b.) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking or such part thereof as aforesaid upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act.

(c.) Where any purchase is so effected, the undertaking, or part thereof so purchased, shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the Undertakers or attaching to the undertaking; and the revocation of this Order, as to the whole of the area of supply, or such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obligations of the Undertakers in relation to the supply of energy within such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority.

(d.) Where no purchase has been effected under the preceding provisions of this section the local authority, and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed, may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the

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upon-Tyne.*

Undertakers) forthwith remove such works with all reasonable care, and the Undertakers shall pay to the local authority, or other such body or person as aforesaid, such reasonable costs of such removal and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or 5 other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them) as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice, or the 10 delivery of the award of the arbitrator (as the case may be), the local authority, or other such body or person as aforesaid may, without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or 15 private sale, and for such sum or sums and to such person or persons as they may think fit; and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers. 20

(e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers by this Order granted to the Undertakers, or for any expenses to which such local authority, 25 body, or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and 30 which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid, shall be determined by an arbitrator to be appointed by the Board of Trade, 35 whose decision shall be final and binding on all parties.

*General.*Remedying
of system
and works.

71. If at any time it is represented to the Board of Trade (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or have permitted any part 40 of their circuits to be connected with earth in contravention of this Order; or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; or (c) that any work of the 45

Undertakers or their supply of energy is attended with danger to the public safety, or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take

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5 such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

10 The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with, or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use
15 thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof within the period limited in
20 that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

72. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking and for the time being in force, shall within one month after the same, as made or last altered, have
25 come into force, be printed at the expense of the Undertakers, and true copies thereof, certified by or on behalf of the Undertakers, shall be kept by them at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

Publication of regulations.

If the Undertakers make default in complying with the provisions of this
30 section they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

73. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default
35 of agreement may be determined, on the application of either party, by a court of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is
40 given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Nature and amount of security.

74. All things required or authorised under this Order to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a
45 secretary or assistant secretary of the Board.

Proceedings of Board of Trade.

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Newcastle-upon-Tyne.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is 5 shown.

A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the order or act so certified.

Approval or
consent of
Board of
Trade,

75. Where this Order provides for any consent or approval of the Board of Trade, the Board may give such consent or approval subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit. 10

All costs and expenses of or incident to any approval, consent, certificate, or order of the Board of Trade, or of any inspector or person appointed by the Board of Trade, including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made, to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants, and may as they think fit, revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary. 15 20 25

Notice of
approval of
Board of
Trade, &c.,
to be given by
advertisement.

76. Where the Board of Trade, upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or where the Board of Trade, upon the application of the local authority or the Undertakers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid. 30

Notice of ap-
plication for
extension of
time, &c., to
be given to
local authority.

77. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers, notice of such application shall be served on the local authority by the Undertakers, and an opportunity shall be given to the local authority to make representations or objections with reference thereto. 35

Recovery and
application of
penalties.

78. All penalties, fees, expenses, and other moneys recoverable under this Order, or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts. 40

Any penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court shall so direct, be paid to such body or person.

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79. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

Undertakers to be responsible for all damages.

80. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking or any part thereof, in the event of the undertaking or such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

As to mortgages.

81. Nothing in this Order shall authorise the Undertakers to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving rights of the Crown in the fore-shore.

82. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving clause for Postmaster-General.

83. Nothing in this Order shall authorise the Undertakers to take, use, or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Commissioners of Woods or one of them without the previous consent in writing of the Commissioners of Woods or one of them on behalf of Her Majesty, which consent such Commissioners or Commissioner may give.

Saving clause.

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Newcastle-upon-Tyne.
Undertakers not exempted from proceedings for nuisance. Provision as to general Acts.

84. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them.

85. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity, or to the supply of or price to be charged for energy, which may be passed after the commencement of this Order. 5

Cessation of powers, &c., under Newcastle and District Electric Lighting Company's License, 1890.

86. From and after the date of the commencement of this Order all powers, duties, and liabilities of the Undertakers under and by virtue of the Newcastle and District Electric Lighting Company's License, 1890, shall cease, and in lieu thereof the powers, duties, and liabilities of the Undertakers shall be such as are prescribed by this Order: Provided always that nothing herein contained shall affect anything done or suffered prior to such date under the said license or any right or liability of the Undertakers or any other person arising out of anything so done or suffered as aforesaid. 10 15

SCHEDULES.

FIRST SCHEDULE.

Area of supply :—The whole of the city and county of Newcastle-upon-Tyne as the same is constituted at the commencement of this Order. 20

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order :—

Forth Banks	Part of Westgate Road	25
Grainger Street	Percy Street	
Grainger Street West	Haymarket	
Neville Street	The Close	
Clayton Street	Part of the Quayside	
Newgate Street	Sandhill	30
Nun Street	Queen Street	
Nelson Street	Lombard Street	
Blackett Street	King Street	

THIRD SCHEDULE.

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List of streets not repairable by the local authority, railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order:—

5 (a.) Streets:—

Court between Back Derwent
Place and Black Bull Inn

Court behind Darn Crook from
Stowell Street to Fenwick's

10 Entry

Chamber's Court

Court from Low Friar Street
north side of Dispensary Lane

Marshall's Court

15 Back Monk Street (north side)

Back Monk Street (south side)

St. Martin's Court

Scotch Arms' Yard

Goulburn's Entry

20 Ridley Court

Phoenix Yard

Barrow's Court

Morrison Court

Percy Court

25 Nixon Place

Cragg's Court

Black Boy Yard

White Horse Yard

Crown and Thistle Yard

30 New Court Westgate Road

Pearson's Court

Library Place

Slinn's Court

Pringle's Court

35 Stowell's Court

Back St. Thomas' Place

Nixon Street

Percy Place

Porter's Yard

40 Worthy's Yard

Smith's Court

College Road

Lambton Court

(b.) Railways:—None

45 (c.) Tramways:—

Newcastle-upon-Tyne District Tramways

Blackett Place

Mackford's Entry

Cail's Yard

Saint Andrew's Place

Dove's Court

Northumberland Place

Queen's Square

Higham Place

Old George Yard

Fletcher's Entry

Nag's Head Yard

White Swan Yard

Haywood's Court

Half-Moon Yard

Farrington's Court

Shipley's Court

Lloyd's Court

Market Lane

James' Court

Kennedy's Court

Vine Court

St. Anthony's Court

Forsyth's Court

Mountain Court

Hutton's Court

Wellington Place

Railway Bank

Gilpin's Yard

Clarence Place

Hewitt Court

Bird-in-Bush Yard

Forster's Court

Robson's Court

Meeting House Lane

Three Indian Kings' Court

Trinity Chare

Custom House Yard

Rewcastle Chare

A.D. 1891.

FOURTH SCHEDULE.

*Newcastle-
upon-Tyne.*

In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

5

SECTION 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter :—For any amount up to twenty units, thirteen shillings and fourpence ; and for each unit over twenty units, sixpence.

10

SECTION 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

15

Electric Lighting Provisional Orders (No. 12).

A

B I L L

To confirm certain Provisional Orders made
by the Board of Trade under the Electric
Lighting Acts, 1882 and 1888, relating to
Leeds and Newcastle-upon-Tyne.

*(Prepared and brought in by
Baron Henry de Worms and Sir Michael Hicks Beach.)*

*Ordered, by The House of Commons, to be Printed,
12 May 1891.*

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23 APR 1969

